

NOTICE OF VIOLATION

Capital Consultants, Inc.
Lansing, Michigan

License No. 21-24979-01
Docket No. 030-30042

During an NRC inspection conducted on December 15, 1992, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the violations are listed below:

1. 10 CFR 71.5(a) requires that licensees who transport licensed material outside the confines of their plants or deliver licensed material to a carrier for transport, comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Part 170-189.
 - A. 49 CFR 177.817(e) requires, in part, that the driver of a motor vehicle containing hazardous material ensure that the shipping paper is readily available to and recognizable by authorities in the event of accident or inspection. Specifically, (i) when the driver is at the vehicle's controls, the shipping paper shall be: (A) within his immediate reach while he is restrained by the lap belt; and (B) either readily visible to a person entering the driver's compartment or in a holder which is mounted to the inside of the door on the driver's side of the vehicle; (ii) when the driver is not at the vehicle's controls, the shipping paper shall be: (A) in a holder which is mounted to the side of the door on the driver's side of the vehicle; or (B) on the driver's seat in the vehicle.

Pursuant to 49 CFR 172.101, radioactive material is classified as a hazardous material.

Contrary to the above, since approximately January 9, 1989, the licensee transported Troxler nuclear gauges containing americium 241 and cesium 137 outside the confines of its plant, and the driver of the vehicle did not ensure that the shipping paper was readily available in the driver's compartment, as required. Specifically, the shipping paper was folded and stored in an unmarked envelope attached to the window visor in the driver's compartment.

This is a Severity Level IV violation (Supplement V).

- B. 49 CFR 177.842(d) requires, in part, that packages of radioactive materials be so blocked and braced that they cannot change position during conditions normally incident to transportation.

Contrary to the above, since approximately January 9, 1989, the licensee transported packages containing americium 241 and cesium 137 outside the confines of its plant, and the packages were not

blocked and braced such that they could not change position during conditions normally incident to transportation. Specifically, licensee employees transported Troxler nuclear gauges to temporary job sites throughout Michigan in company vehicles without any blocking or bracing.

This is a Severity Level IV violation (Supplement V).

2. Condition 16 of License No. 21-24979-01 requires that physical inventories of all sealed sources received and possessed under this license be conducted every six months.


Contrary to the above, since approximately January 9, 1989, physical inventories of all sealed sources received and possessed under this license were not conducted every six months. Specifically, physical inventories of sealed sources were not conducted since approximately January 9, 1989.

This is a Severity Level IV violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, Capital Consultants, Inc. is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, Region III, 799 Roosevelt Road, Glen Ellyn, Illinois, 60137, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order or a demand for information may be issued to show cause why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

DEC 28 1992

Dated _____



Gary L. Shear, Chief
Nuclear Materials Safety
Section 2