

## NOTICE OF VIOLATION

Tamfelt, Incorporated  
Canton, MA 02021

Docket Nos. 030-34144  
99990001  
License No. 20-18489-02  
General License

During an NRC inspection conducted on August 28 and 29, 1996, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG 1600, the violations are listed below:

- A. 10 CFR 71.5 requires, in part, that each licensee who transports licensed material outside the site of usage, as specified in the NRC license, or where transport is on public highways, comply with the applicable requirements of the Department of Transportation regulations in 49 CFR parts 170 through 189 appropriate to the mode of transport.

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

49 CFR 173.421-1 requires, in part, that excepted packages prepared for shipment under the provisions of 49 CFR 173.422 must be certified as being acceptable for transportation by having a notice enclosed in or on the package, included with the packing list, or otherwise forwarded with the package. This notice must include the name of the consignor or consignee and the statement "This package conforms to the conditions and the limitations specified in 49 CFR 173.422 for radioactive material, excepted package - instruments or articles, UN 2910."

Contrary to the above, as of August 29, 1996, the licensee under NRC License No. 20-18489-02 prepared excepted packages containing NDC System Model 104P instruments with 80 millicuries of americium-241 for shipment under the provisions of 49 CFR 173.422 and did not certify the packages as being acceptable for transportation by having a notice forwarded with the package.

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

- B. 10 CFR 31.5(b) requires that the general license in 10 CFR 31.5(a) applies only to byproduct material contained in devices which have been manufactured or initially transferred and labeled in accordance with the specifications contained in a specific license issued pursuant to 10 CFR 32.51 or in accordance with the specifications in a specific license issued by an Agreement State which authorizes the distribution of the devices to persons generally licensed by the Agreement State.

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10 CFR 32.51(a)(3) requires, in part, that an application for a specific license to manufacture, or initially transfer devices containing byproduct material to persons generally licensed under 10 CFR 31.5 or equivalent regulations of an Agreement State will be approved if each device bears a durable, legible, clearly visible label or labels approved by the Commission or an Agreement State which contain in a clearly identified and separate statement the instructions and precautions necessary to assure safe installation, operation, and servicing of the device, the requirements, or lack of requirement, for leak testing, or for testing any on-off mechanism and indicator, including the maximum time interval for such testing, and the identification of radioactive material by isotope, quantity of material, and date of determination of the quantity, and the information called for in the statement in 10 CFR 31.5(a)(3)(iii).

10 CFR 31.5(c)(1) requires that any person who acquires, receives, possesses, uses or transfers byproduct material in a device pursuant to the general license in 10 CFR 31.5(a) assure that all labels affixed to the device at the time of receipt and bearing a statement that removal of the label is prohibited are maintained thereon and shall comply with all instructions and precautions provided by such labels.

Contrary to the above, as of August 29, 1996, the general licensee possessed a gauge manufactured by Fehrer of Austria which contained an NDC Systems Model No. 102 probe with a nominal 150 millicurie americium-241 sealed source, and the gauge was not appropriately labeled. Specifically, NDC Systems initially distributed the probe to Fehrer who installed the probe into one of Fehrer's gauges. The probe was completely concealed within the gauge and none of the labels on the probe were visible. Also, Fehrer is not licensed by the NRC or an Agreement State to distribute gauges in the United States.

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

Pursuant to the provisions of 10 CFR 2.201, Tamfelt, Incorporated is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I, 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. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to 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.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

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