

NOTICE OF VIOLATION

Victor E. Rivera Associates
Ponce, Puerto Rico

Docket No. 030-30301
License No. 52-19885-02

During an NRC inspection conducted on November 21, 1996 violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

- A. 10 CFR 71.5(a) requires that each licensee who transports licensed material outside of the site of usage, as specified in the NRC license, or on public highways, or who delivers 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 Parts 170 through 189.
1. 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, on November 21, 1996, the licensee transported licensed material 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 hidden beneath the passenger side visor of the vehicle, not readily available to, and recognizable by, authorities in the event of an accident or inspection.

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

2. 49 CFR 173.25 requires, in part, for packages containing hazardous materials and offered for transportation in an overpack, that: 1) the overpack be marked with the proper shipping name and identification number, and labeled as required by 49 CFR Parts 171-177 for each hazardous material contained therein unless markings and labels representative of each hazardous material in the overpack are visible; and 2) the overpack be marked with a statement indicating that the inside (inner) packages comply with prescribed specifications when specification packagings are required, unless specification markings on the inside packages are visible. Pursuant to 49 CFR 172.101, radioactive material is classified as hazardous material.

Contrary to the above, as of November 21, 1996, the licensee offered for transportation in an overpack licensed material that was not marked with the proper shipping name (radioactive contents) and identification number, nor with any statement indicating that the inner package complied with the prescribed specifications; and the markings on the inside package were not visible.

This is a Severity Level IV violation (Supplement V)

Pursuant to the provisions of 10 CFR 2.201, Victor E. Rivera Associates 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 II, 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.

Dated at Atlanta, GA

this 3rd day of December 1996