

## NOTICE OF VIOLATION

Puerto Rico Industrial Development Corporation  
Hato Rey, Puerto Rico

Docket No. 030-28924  
License No. 52-19377-02

During an NRC inspection conducted on November 21-21, 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. License Condition No. 19 of NRC license No. 52-19377-02 requires, in part, that a gauge or its container be locked when in transport, storage or when not under the direct surveillance of an authorized user.

Contrary to the above, as of November 20, 1996, the licensee failed to lock two gauges or their container when in storage at their facility.

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

- B. 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(a) requires that a carrier not transport a hazardous material unless it is accompanied by a shipping paper prepared in accordance with 49 CFR 172.200-203. Pursuant to 49 CFR 172.101, radioactive material is classified as hazardous material.

Contrary to the above, as of November 20, 1996, the licensee transported radioactive material (hazardous material) outside the confines of its plant without a shipping paper.

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

2. 49 CFR 172.304 requires, in part, that package markings be durable.

Contrary to the above, as of November 20, 1996, all three of the licensee's packages used to transport licensed materials did not have durable markings in that the markings had peeled off partially, faded and were illegible.

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

3. 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 20, 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, Puerto Rico Industrial Development Corporation 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 3<sup>rd</sup> day of December 1996