

NOTICE OF VIOLATION

Stowe Woodard Company
Southborough, MA 01772

Docket No. 030-33950
License No. 20-30249-01

During an NRC inspection conducted on August 28, 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. Condition 13.A. of License No. 20-30249-01 requires, in part, that sealed sources containing licensed material be tested for leakage and/or contamination at intervals not to exceed six months or at such other intervals as are specified by the certificate of registration referred to in 10 CFR 32.210.

Contrary to the above, as of August 28, 1996, sealed sources containing licensed material were not tested for leakage and/or contamination at intervals not exceeding six months and another interval was not specified by the certificate of registration referred to in 10 CFR 32.210. Specifically, an NDC Systems Model 104PD portable gauge containing 80 millicuries of americium-241 was last tested on November 28, 1995 and not retested since, a period of greater than six months, and was used after May 31, 1996.

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

- B. 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 28, 1996, the licensee prepared excepted packages containing NDC System Model 104PD 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).

OFFICIAL RECORD COPY

Notice of Violation

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Pursuant to the provisions of 10 CFR 2.201, Stowe Woodard Company 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.