

FEB 10 1997

The NDL Organization, Inc.  
Peter J. Pastorelle, President  
P.O. Box 791  
Peekskill, New York 10566

SUBJECT: INSPECTION NO. 030-19705/96-001

Dear Mr. Pastorelle:

This refers to your letter dated January 10, 1997, in response to our letter dated December 12, 1996.

Thank you for informing us of the corrective and preventive actions you documented in response to our correspondence. We have reviewed the response and additional information is still needed.

With respect to violation A you have indicated that NDL has been operating under a differing interpretation of the DOT regulation, specifically 49 CFR 173.422. It should be noted that 49 CFR 173.421(b) states that a limited quantity of Class 7 (radioactive) material that is a hazardous substance or a hazardous waste, is not subject to the provisions in 172.203(d) or 172.204(c)(4) of this subchapter. However, 49 CFR 173.422 specifies additional requirements for excepted packages containing Class 7 (radioactive) materials. Specifically, 173.422(a) requires, in part, that excepted packages prepared for shipment under the provisions of 173.421 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 following statement. "This package conforms to the conditions and limitations specified in 49 CFR 173.421 for radioactive material, excepted package-limited quantity of material, UN2910". It is not the intent of DOT to exclude limited quantity material that is classed as radioactive from these requirements other than what is specified in the regulations. Therefore, this violation stands. The Notice of Violation has been revised to reflect the appropriate NRC and DOT references, and is enclosed. Please submit a description of your corrective actions for this violation in your response to this letter.

With respect to violation B, your letter does not address this violation. Please provide your response/corrective actions for this violation for our review.

RETURN ORIGINAL TO  
REGION I

OFFICIAL RECORD COPY

1997  
IE:07  
9702190223 970210  
PDR ADOCK 03019705  
C PDR

P. Pastorelle  
The NDL Organization, Inc.

-2-

Please submit to this office within seven (7) days of receipt of this letter a written statement containing the requested information.

Sincerely,

ORIGINAL SIGNED BY:

Jenny M. Johansen, Chief  
Nuclear Materials Safety Branch 3  
Division of Nuclear Materials Safety

Docket No. 030-19705  
License No. 31-12000-02

Enclosure: Revised Notice of Violation

cc:  
Mark E. Meyers, Radiation Safety Officer, Radiation Safety Officer  
State of New York

OFFICIAL RECORD COPY

P. Pastorelle  
The NDL Organization, Inc.

-3-

Distribution:

PUBLIC

Nuclear Safety Information Center (NSIC)

Region I Docket Room (w/concurrences)

DOCUMENT NAME: R:\WPS\MLDL\3112000.02

To receive a copy of this document, indicate in the box: "C" = Copy w/o attach/encl "E" = Copy w/ attach/encl "N" = No copy

OFFICE	DNMS/RI	<input checked="" type="checkbox"/> N	DNMS/RI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NAME	JJoustra <i>JAB</i>		JJohansen <i>JH</i>				
DATE	02/06/97		02/10/97		02/ /97		02/ /97

OFFICIAL RECORD COPY