

NOTICE OF VIOLATION

The NDL Organization, Inc.
Peekskill, New York 10566

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

During an NRC inspection conducted on December 5, 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:

10 CFR 71.5(a) requires that a licensee who transports licensed material outside of the site of usage, as specified in the NRC license, or where transport is 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.

- A. 49 CFR 173.421 excepts limited quantities of radioactive material, specified as radioactive material whose activity per package does not exceed the limits in 49 CFR 173.425, from the specification packaging, marking and labeling requirements, and if not a hazardous substance or hazardous waste, the shipping paper and certification requirements of 49 CFR Parts 171-177, and the requirements of Subpart I of 49 CFR Part 173, provided, among other things, that the material is otherwise prepared for shipment in accordance with 49 CFR 173.422. 49 CFR 173.422 requires, in part, that a limited quantity of radioactive material, prepared for shipment in accordance with 49 CFR 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 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."

Contrary to the above, on August 15, 1996 and December 5, 1996, the licensee delivered to a carrier for transport 5 and 10 drums of radioactive waste respectively, as an excepted package-limited quantity of material, but the package was not prepared for shipment, as required, in accordance with 49 CFR 173.421. Specifically, a notice was not enclosed in or on the package, included with the packing list, or otherwise forwarded with the package, with the required statement concerning the conformance of the package. The licensee had not included the 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."

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

- B. 49 CFR 173.25 requires, in part, for packages containing hazardous materials and offered for transportation in an overpack, that 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 22, 1996, the licensee transported licensed material in an overpack that was not marked 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, The NDL Organization, Inc. 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.