



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

June 11, 2003

Docket No. 99990001
EA 03-118

General License

Wilhelm Loewel
General Manager
Turbon International
1060 Fahs Street
York, PA 17404

SUBJECT: INSPECTION 99990001/2003001, TURBON INTERNATIONAL, YORK,
PENNSYLVANIA AND AT COATES ELECTROGRAPHICS, YORK,
PENNSYLVANIA AND NOTICE OF VIOLATION

Dear Mr. Loewel:

On April 29, 2003, Jenny Johansen of this office conducted a safety inspection at the above address and at Coates Electrographics, 1160A Fahs Street, York, Pennsylvania of activities involving the possession of three Kay-Ray/Sensall Model 7062B gauges each containing 10 millicuries of cesium-137. The inspection was an examination of your activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions, applicable to the possession of the Kay-Ray/Sensall Model 7062B gauges. The inspection consisted of observations by the inspector, interviews with personnel, and a selected examination of representative records. Additional information provided in communications dated May 7, 9, and 15, 2003 from Coates Electrographics were also examined as part of the inspection. The findings of the inspection were discussed with Bill Hoff, Sheridan Warner and Paul Clothier of Coates Electrographics at the conclusion of the inspection. The enclosed report presents the results of this inspection.

Based on the results of this inspection, it appears that your activities were not conducted in full compliance with NRC requirements. A Notice of Violation is enclosed that categorizes each violation by severity level in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG 1600. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Specifically, your response should describe your actions to prevent unauthorized transfer of any generally licensed material, including other gauges, that you may possess in the future. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.790, a copy of this letter will be placed in the NRC Public Document Room and will be accessible from the NRC Web site at <http://www.nrc.gov/reading-rm.html>.

W. Loewel
Turbon International

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Your cooperation with us is appreciated.

Sincerely,

Original signed by Judith A. Joustra

John D. Kinneman, Chief
Nuclear Materials Safety Branch 2
Division of Nuclear Materials Safety

Enclosures:

1. Inspection Report No. 99990001/2003001
2. Notice of Violation

cc:

Bill Hoff, Site Manager Coates Electrographics
Commonwealth of Pennsylvania

W. Loewel
Turbon International

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D. J. Holody, RI

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NOTICE OF VIOLATION

Turbon International
York, PA
EA 03-118

Docket No. 99990001
General License

During an NRC inspection conducted on April 29, 2003, one violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG-1600, the violation is listed below:

10 CFR 30.3 requires, in part, that except for persons exempted, no person shall possess or use byproduct material except as authorized by a specific or general license issued pursuant to Title 10, Chapter 1, Code of Federal Regulations.

Contrary to the above, from the 1997 or 1998 until June 1, 2001, Turbon International (Turbon) possessed three Kay-Ray Sensall Model 7062B gauges, each containing 10 millicuries of cesium-137, without a valid specific or general NRC license, and was not exempt from the requirements for a license. The general license granted in 10 CFR 31.5 did not apply since the gauges were not received by Turbon from one of the specific licensees described of 10 CFR 31.5(b)(1) or through a transfer from a general licensee made pursuant to 10 CFR 31.5(c)(9), since the gauges did not remain in use at a particular location. In addition, Turbon installed and removed from service these gauges, an activity which requires a specific NRC license and Turbon did not possess a specific license.

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

Pursuant to 10 CFR 2.201 Turbon International, 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, (EA 03-118)" and should include for the 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. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site at <http://www.nrc.gov/reading-rm.html>. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made

publically available 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.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated This 11th day of June 2003