



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

October 30, 2003

Docket No. 99990001

General License

George Skivington
V.P. and General Manager
International Communication Materials, Inc.
119 ICMI Road
Connellsville, PA 15425

SUBJECT: INSPECTION 99990001/2003003, INTERNATIONAL COMMUNICATION MATERIALS, INC.(ICMI), CONNELLSVILLE, PENNSYLVANIA SITE AND NOTICE OF VIOLATION

Dear Mr. Skivington:

On June 19, 2003, Jenny Johansen of this office conducted a safety inspection at the above address of activities authorized by the General License in 10 CFR 31.5. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selected examination of representative records. The inspection also covered the possession and removal of gauges from your Nu-Kote (ICMI) facilities in Derry, PA which were closed in the 1997 or 1998. Information provided in your e-mail correspondence dated May 19, 2003 and telephone conversations on May 15 and 16, 2003 between Ms. Dianna L. Roebuck of your organization and this office prior to the inspection at Connellsville were also examined as part of the inspection. The findings of the inspection were discussed with Mr. Stu Hosford and Ms. Dianna L. Roebuck of your organization at the conclusion of the inspection. In addition, based on a telephone conversation between Ms. Roebuck and Ms. Johansen on September 22, 2003, it is our understanding that you plan to dispose of the Kay-Ray Sensall Model 7062B gauge (Serial No. S96C0115) containing 10 millicuries of cesium-137 by transfer to Thermo Measure Tech. In response to this letter, please confirm our understanding.

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. 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.

G. Skivington
International Communication Materials, Inc.

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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>.

Your cooperation with us is appreciated.

Sincerely,

Original signed by John D. Kinneman

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

Enclosure:
Notice of Violation

cc:
Dianna L. Roebuck, Manager, Human Resources
Commonwealth of Pennsylvania

G. Skivington
International Communication Materials, Inc.

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DATE	10/17/2003		10/20/2003					

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NOTICE OF VIOLATION

International Communication Materials, Inc.
Connellsville, PA

Docket No. 99990001
General License 10 CFR 31.5

During an NRC inspection conducted on June 19, 2003, two 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. 10 CFR 31.5(c)(9) requires, in part, that a general licensee shall transfer the device to another general licensee only if the device remains in use at the particular location and within 30 days of transfer, the transferor reports to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the manufacturer's name; and model number of the device transferred, the name and address of the transferee and the name and/or position of an individual who may constitute a point of contact between the Commission and the transferee.

Contrary to the above, in 1997 or 1998, Nu-Kote (ICMI), located in Derry, Pennsylvania, a general license as described in 10 CFR 31.5(c), transferred three Kay-Ray Sensall Model 7062B gauges (Serial Numbers S96F1209, S96F1213 and S96C0115) to Turbon International, York, PA and two Kay-Ray Sensall Model 7062B gauges (Serial Numbers S96F1211 and S96F1212) to Color Imaging, Norcross, GA and the devices did not remain in use at the particular location (i.e. Derry, Pennsylvania). In addition, Nu-Kote (ICMI) did not report the transfer to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, as required.

This is a Severity Level IV violation (Supplement VI)

- B. 10 CFR 31.5(c)(3) requires, in part, that removal from installation and installation involving radioactive materials are performed by a person holding a specific license pursuant to Parts 30 and 32 of this chapter or from an Agreement State perform such activity.

Contrary to the above, in the 1997 or 1998, Nu-Kote (ICMI), a general licensee, removed from installation five Kay-Ray Sensall Model 7062B gauges each containing 10 millicuries of cesium-137 and the removal from installation was performed by a person who did not hold a specific license pursuant to Parts 30 and 32 of this chapter or from an Agreement State to perform such activity.

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

Pursuant to the provisions of 10 CFR 2.201, International Communication Materials, 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.

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 30th day of October 2003