



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION III  
2443 WARRENVILLE RD. SUITE 210  
LISLE, IL 60532-4352

July 17, 2015

EA-15-136  
EN 51114  
NMED No. 150324 (Closed)

Ms. Sue Long  
Training, Safety & Environmental Coordinator  
PendaForm Corporation  
2344 W. Wisconsin Street  
Portage, WI 53901

SUBJECT: NRC SPECIAL INSPECTION REPORT NO. 99990003/2015003(DNMS) AND  
NOTICE OF VIOLATION – FABRI-FORM COMPANY

Dear Ms. Long:

On June 30, 2015, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted an in-office review of the circumstances surrounding the loss of six P-2021-8000 ionizers containing polonium-210 (Po-210) at your facility. The NRC initiated this review after Fabri-Form contacted the NRC Operations Center on June 3, 2015, to report the loss of the Po-210 ionizers. Mr. Ed Harvey of my staff presented the findings of this review to you via telephone on July 7, 2015.

During this in-office review, the NRC staff examined activities conducted under your general license related to public health and safety. Additionally, the staff examined your compliance with the Commission's rules and regulations. The in-office review consisted of interviews with personnel and examination of information provided by you to the NRC.

Based on the results of the in-office review and the information you provided, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation concerned the licensee's failure to properly dispose or transfer the device as required by Title 10 of the *Code of Federal Regulations* (CFR) 31.5(c)(8)(i). The violation is cited in the enclosed Notice of Violation (Notice). The NRC is citing the violation in the Notice because the inspector identified the violation. The NRC is citing the violation at Severity Level IV (very low safety significance), because the loss of the ionizers did not present a hazard to public health and safety.

The NRC has determined that the root cause of the violation was a lack of full understanding of NRC's requirements for generally licensed devices. This is of concern to the NRC because it increases the chance for the devices to be lost, stolen, or improperly handled which could result

in adverse impacts to the health and safety of the general public. As corrective actions to address recurrence of this event and to prevent a similar violation in the future, per your letter dated June 17, 2015, the licensee committed to no longer using or obtaining additional generally licensed devices. Should the licensee choose to obtain another generally licensed device in the future, please ensure that its possession and use is in accordance with the regulations in 10 CFR 31.5.

The NRC has concluded that information regarding the root cause of the violation, the corrective actions planned to correct the violation and address its recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in this letter. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html>.

Please feel free to contact Mr. Ed Harvey of my staff if you have any questions regarding this correspondence. Mr. Harvey can be reached at 630-829-9819.

Sincerely,

**/RA/**

Aaron T. McCraw, Chief  
Materials Inspection Branch  
Division of Nuclear Materials Safety

Docket No. 999-90003  
License No. General License

Enclosure:  
Notice of Violation

cc w/encl: State of Indiana

S. Long

-2-

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Sincerely,

/RA/

Aaron T. McCraw, Chief  
Materials Inspection Branch  
Division of Nuclear Materials Safety

Docket No. 999-90003  
License No. General License

Enclosure:  
Notice of Violation

cc w/encl: State of Indiana

DISTRIBUTION w/encl:  
See next page

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NAME	Harvey:ps		Skokowski		McCraw		
DATE	07/16/15		07/17/15		07/17/15		

OFFICIAL RECORD COPY

Letter to Sue Long from Aaron T. McCraw dated July 17, 2015.

SUBJECT: NRC SPECIAL INSPECTION REPORT NO. 99990003/2015003(DNMS) AND  
NOTICE OF VIOLATION – FABRI-FORM COMPANY

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## NOTICE OF VIOLATION

Fabri-Form Company  
Bluffton, Indiana

License No. General License  
Docket No. 999-90003  
EA-15-136

During a U.S. Nuclear Regulatory Commission (NRC) in-office review conducted on June 30, 2015, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of the *Code of Federal Regulations* (CFR) CFR 31.5(c)(8)(i) requires, in part, that any person who acquires, receives, possesses, uses or transfers byproduct material in a device pursuant to a general license shall transfer or dispose of the device containing byproduct material only by export as provided by paragraph (c)(7) of this section, by transfer to another general licensee as authorized in paragraph (c)(9) of this section, or to a person authorized to receive the device by a specific license.

Contrary to the above, between August 2006 and June 2015, Fabri-Form Company failed to transfer or dispose of byproduct material in a generally licensed device by export, by transfer to another general licensee, or by transfer to a person authorized by a specific license. Specifically, on June 3, 2015, the licensee reported that six P-2021-8000 ionizers containing polonium-210 were lost from its facility in Bluffton, Indiana.

This is a Severity Level IV violation (Section 6.7).

The NRC has concluded that information regarding the reason for the violation, the corrective actions planned to correct the violation and prevent recurrence, and the date when full compliance was or will be achieved is already adequately addressed on the docket in this letter. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201. If you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, EA-15-136" and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region III, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you choose to respond, your response will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made publicly available without redaction.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

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

Dated this 17<sup>th</sup> day of July, 2015.