

## NOTICE OF VIOLATION

Nuclear Instrument Corporation  
5353 Jaeger Road  
Naples, FL 33942

License No. 48-13752-01  
Docket No. 030-06787  
EA No. 92-198

During an NRC inspection of activities associated with the disposition of licensed material conducted from September 25, 1991, to August 5, 1992, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the violations are listed below:

1. 10 CFR 30.9(a) requires, in part, that information provided to the Commission by a licensee shall be complete and accurate in all material respects.

Contrary to the above, the licensee provided incomplete and inaccurate information to the Commission in a letter and attached NRC Form 314 dated August 8, 1991. Specifically, the NRC Form 314 states that all materials procured and or possessed by the licensee under License Number 48-13752-01 were transferred in June 1989 to the Milwaukee School of Engineering. NRC inspections determined that the licensee transferred its nickel-63 metallic wire sources to the Milwaukee School of Engineering in 1986 instead of June 1989. The disposition of the remaining materials could not be determined.

This is a Severity IV violation. (Supplement VI)

2. 10 CFR 30.36(b) requires that each licensee notify the Commission promptly in writing under Section 30.6, and request termination of the license when the licensee decides to terminate all activities involving materials authorized under the license.

Contrary to the above, the licensee did not promptly notify the Commission when the licensee decided to terminate all activities involving materials authorized under the license. Specifically, the licensee decided to terminate all activities in February 1991 when the licensee vacated its facility, and did not notify the Commission until August 8, 1991.

This is a Severity IV violation. (Supplement VI)

3. 10 CFR 30.41(c) requires that, prior to transferring byproduct material, the licensee verify that the transferee's license authorizes the receipt of the type, form, and quantity of byproduct material to be transferred. 10 CFR 30.41(d) specifies acceptable methods for this verification.

Contrary to the above, in 1986, the licensee transferred approximately 55 millicuries of nickel-63 metallic wire sources to the RSO, Milwaukee School of Engineering, and prior to the transfer, the licensee did not verify by an acceptable method that the transferee's license authorized receipt of this material.

This is a Severity IV violation. (Supplement VI)

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4. License Condition 15, as contained in Amendment No. 11 dated June 15, 1983, requires that sealed sources contained in Model NIC-5DT moisture density gauges be tested for leakage prior to transfer to another person.


Contrary to the above, in 1986, the licensee did not leak test the sealed sources contained in a Soiltest Model NIC-5DT moisture density gauge prior to its transfer to another person.

This is a Severity IV violation. (Supplement VI)

No reply to the violations is required and we have no further questions regarding this matter.

NOV 25 1992

Dated \_\_\_\_\_

  
Charles E. Norelius, Director  
Division of Radiation Safety  
and Safeguards