

September 12, 1996

EA 96-257

Richard D. Wilcox
President
Wilcox Associates
7711 South U.S. 131
Cadillac, MI 49601

SUBJECT: NOTICE OF VIOLATION
(NRC INSPECTION REPORT NO. 030-20901/96001(DNMS))

Dear Mr. Wilcox:

This letter refers to the Notice of Violation (Notice) issued on September 3, 1996, for several violations that were identified during a routine safety inspection at Wilcox Associates on June 25 to July 12, 1996. Four violations were described in the Notice. However, the severity level was inadvertently omitted for Violation C. The correct severity level for Violation C is Severity Level IV (Supplement VI). Please substitute the enclosed Notice, which corrects the omission, for the previous Notice.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, the enclosed Notice, and your response if you choose to respond, will be placed in the NRC Public Document Room.

Sincerely,

/s/ C. D. Pederson

Cynthia D. Pederson, Director
Division of Nuclear Materials Safety

Docket No. 030-20901
License No. 21-23314-01

Enclosure: Revised Notice of Violation

cc w/encl: PUBLIC IE-07
Office of Enforcement
RIII/EICS EA 96-257

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NOTICE OF VIOLATION

Wilcox Associates
Cadillac, Michigan

Docket No. 030-20901
License No. 21-23314-01
EA 96-257

During an NRC inspection conducted from June 25 to July 12, 1996, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

- A. 10 CFR 20.1801 requires that the licensee secure from unauthorized removal licensed materials that are stored in an unrestricted area. 10 CFR 20.1802 requires that the licensee control and maintain constant surveillance of licensed material that is in an unrestricted area and that is not in storage. As defined in 10 CFR 20.1003, an *unrestricted area* means an area, access to which is neither limited nor controlled by the licensee.

Contrary to the above, on August 19, 1995, the licensee did not secure from unauthorized removal or limit access to a Troxler moisture/density gauge containing NRC-licensed material (nominally 10 millicuries (370 MBq) of cesium-137 and 40 millicuries (1.48 GBq) of americium-241 in sealed sources) located at a highway construction site in Kent County, Michigan, an unrestricted area, nor did the licensee control and maintain constant surveillance of this licensed material. Specifically, the gauge technician placed the device in front of his vehicle and walked away. He later returned to his truck and started to drive away at which time the gauge was struck. (01013)

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

- B. License Condition No. 12.A, Amendment No. 2, to NRC Materials License No. 21-23314-01, which was in effect from January 30, 1989, until it was superseded by License Amendment No. 4 on June 16, 1995, required, in part, that sources be tested for leakage and/or contamination at intervals not to exceed 6 months.

License Condition No. 13.A, Amendment No. 4, to NRC Materials License No. 21-23314-01, which became effective on June 16, 1995, requires the licensee test sealed sources and detector cells for leakage and/or contamination at intervals not to exceed 6 months or at such other intervals that are specified by the certificate of registration referred to in 10 CFR 32.210. The certificate of registration of the Troxler Model No. 3411 moisture/density gauge specifies that leak tests shall be made at a frequency of 6 months.

Contrary to the above, the licensee did not test sealed sources for leakage and/or contamination at intervals not to exceed 6 months. Specifically, sealed sources of nominally 10 millicuries (370 MBq) of cesium-137 and 40 millicuries (1.48 GBq) of americium-241, contained in a Troxler Model No. 3411 (Serial No. 10377) moisture/density gauge, were not tested from January 1995 to February 1, 1996, an interval that exceeded 6 months. (02014)

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

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- C. License Condition 20.B of NRC Materials License No. 21-23314-01, requires, in part, that the licensee conduct its program in accordance with the statements, representations and procedures contained in a letter dated May 18, 1995 and the attachments thereto.

The Licensee's "Standard Operating and Emergency Procedures" were attached to the May 18, 1995 letter. Paragraph 3 of the "Emergency Procedure" required the licensee detain any heavy equipment that may be involved in an emergency or unusual situation until it is determined that no contamination is present.

Contrary to the above, on August 19, 1995, a Troxler Model No. 3411 moisture/density gauge containing NRC licensed materials (nominally 10 millicuries (370 MBq) of cesium-137 and 40 millicuries (1.48 GBq) of americium-241 in sealed sources) was struck by a pick-up truck and the licensee did not detain the truck or otherwise determine that there was no contamination present. (03014)

This is a Severity Level IV violation (Supplement VI)

- D. 10 CFR 20.1101(c), which became effective on January 1, 1993, requires that the licensee periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, from January 1, 1993, to June 25, 1996, the licensee did not conduct any reviews of the radiation program content or implementation. (04014)

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

The NRC has concluded that information regarding the reasons for the violation, and the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed on the docket in Inspection Report No. 030-20901/96001(DNMS) and a letter from Wilcox Associates dated August 13, 1996. However, you are required to respond to the provisions of 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U. S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region III, 801 Warrenville Road, Lisle, Illinois 60532-4351, within 30 days of the date of the letter transmitting this Notice of Violation.

Dated at Lisle, Illinois
this 3rd day of September 1996