

## NOTICE OF VIOLATION

E.I. DuPont deNemours & Co., Inc.  
Printing and Publishing  
Parlin, NJ 08859-1094

Docket No. 030-05271

License No. 29-02065-01

During an NRC inspection conducted on January 27, and February 13, 1997, 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. License Condition 22 of NRC License No. 29-02065-01 requires that the licensee conduct its program in accordance with the statements, representations and procedures contained in an application received February 14, 1979.

Item 15.0 of the application (Radiation Protection Program) states that the Radiation Safety Officer must shut down unsafe and/or malfunctioning equipment.

Contrary to the above, as of January 27, 1997 the Radiation Safety Officer failed to shut down a NDC Model 102 americium 241 gauge (Serial No. 1524) which was malfunctioning. On May 10, 1996, a routine shutter check of the gauge revealed that the gauge which contained a 150 millicurie sealed source had a malfunctioning shutter mechanism, at which time compensatory safety measures were implemented and the gauge was allowed to remain in continuous service.

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

- B. 10 CFR 30.50(b)(2)(i) requires that the licensee notify the NRC within 24 hours after the discovery of an event in which equipment fails to function as designed when the equipment is required by regulation or license condition to prevent exposures to radiation exceeding regulatory limits, or to mitigate the consequences of an accident.

Contrary to the above, the licensee failed to notify the NRC within 24 hours after discovering a malfunctioning shutter on an NDC Model 102 Americium 241 thickness gauge (Serial No. 1524) which contained a 150 millicurie sealed source. Specifically, on May 10, 1996, during a routine shutter check, the Radiation Safety Officer determined that the gauge shutter was "sticking" and procedures were implemented involving secondary shields in the event people needed to work around the production line. The shutter was essential equipment, required by the license condition, to prevent exposure to radiation exceeding regulatory limits, or to mitigate the consequence of an accident. The NRC was not notified of the shutter failure until February 7, 1997.

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

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- C. License Condition 16 of NRC License No. 92-02065-01 requires that a gauge be tested for proper operation of the on-off mechanism at six month intervals.

Contrary to the above, as of January 27, 1997, an NDC Model 102 Americium 241 gauge (Serial No. 15241) containing a 150 millicurie sealed source was not tested for the proper operation of the on-off mechanism at six month intervals. Specifically, the gauge had its shutter last tested on May 10, 1996, a time interval greater than six months.

This is a Severity Level IV violation (Supplement VI)

Pursuant to the provisions of 10 CFR 2.201, E.I. DuPont deNemours & Co., Printing and Publishing 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.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR 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.