



**RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST**

RESPONSE TYPE  FINAL  PARTIAL

REQUESTER

Adam Symson

DATE

DEC 18 2002

**PART I. - INFORMATION RELEASED (See checked boxes)**

- No additional agency records subject to the request have been located.
- Requested records are available through another public distribution program. See Comments section.
- APPENDICES A** Agency records subject to the request that are identified in the listed appendices are already available for public inspection and copying at the NRC Public Document Room.
- APPENDICES B** Agency records subject to the request that are identified in the listed appendices are being made available for public inspection and copying at the NRC Public Document Room.
- Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, NW, Washington, DC.
- APPENDICES \*** Agency records subject to the request are enclosed.
- Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- We are continuing to process your request.
- This completes NRC's action on your request.

**PART I.A -- FEES**

- Fees
- AMOUNT \*  You will be billed by NRC for the amount listed.  None. Minimum fee threshold not met.
- \$  You will receive a refund for the amount listed.  Fees waived.
- \* See comments for details

**PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE**

- No agency records subject to the request have been located.
- Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

**PART I.C COMMENTS (Use attached Comments continuation page if required)**

In your conversation with Natalie Brown on December 9, 2002, you narrowed the scope of the request to information on missing nuclear materials over the last five years. Enclosed is a computer diskette containing Reportable Licensed Lost, Abandoned or Stolen Material (LAS) Events from 1997 to July 7, 2002. Also enclosed are copies of documents A/1 through 12, A/14 and B/1, which are being provided because you are entitled to 100 free pages. The records identified on Appendix A are available in the NRC public electronic reading room at <http://www.nrc.gov/reading-rm/adams.html>. If you need assistance in reviewing records in the electronic public reading room, please contact the NRC Public Document Room on (301) 415-4737, or toll free on (800) 397-4209.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed

**APPENDIX A  
RECORDS ALREADY AVAILABLE IN THE PDR**

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	12/29/1999	ML993640129	EA-99-297 - Southeastern Plastics Corporation - A Notice of Violation for a Severity Level III violation was issued December 29, 1999, based on failure to comply with 10 CFR 31.5(c)(6); when the licensee abandoned an Ohmart gauge containing 1200 millicuries of krypton-85. (10 pages)
2.	04/12/2000	ML003726579	EA-99-262 - Western Soil, Inc. - An Order Imposing Civil Penalties in the amount of \$2,750 was issued on April 12, 2000. The licensee failed to secure from unauthorized removal or limit access to a moisture/density portable nuclear gauge containing approximately 10 millicuries of Cesium-137 and 50 millicuries of Americium-241. As a result, the gauge was stolen. (10 pages)
3.	04/02/2001	ML010940565	EA-98-213 - Moisture Protection Systems Analysts, Inc. - On April 2, 2001, an Order Imposing Civil Monetary penalty in the amount of \$5,500 was issued. The action was based on a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the amount \$5,500 that was issued on April 20, 1998, for failure to control byproduct material. The licensee's gauge was found in a landfill on 5/2/00. (7 pages).
4.	06/04/2001	ML011550414	EA-01-107 - Draper Aden Associates - On June 4, 2001, a Notice of Violation was issued for a Severity Level III violation involving the failure to properly block and brace a portable gauge prior to and during transport that resulted in the loss of control of the gauge. (6 pages)
5.	07/20/2001	ML012010265	EA-01-119 - Midwest Testing, Inc. - On July 20, 2001, a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$3,000 was issued for a Severity Level III violation involving the failure to control and maintain constant surveillance of a portable density gauge that resulted in loss of the gauge. (6 pages)

6. 09/13/2001 ML012560464 EA-01-151 - Southeast Missouri State University - On September 13, 2001, a Notice of Violation was issued for a Severity Level III violation involving the failure to secure from unauthorized removal or limit access to a strontium-90 sealed source with a nominal activity of 20 millicuries. (9 pages)
7. 09/25/2001 ML012690106 EA-01-186 - University of Medicine & Dentistry of New Jersey - On September 25, 2001, a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$3,000 was issued for a Severity Level III problem. The problem included two violations involving the failure to control one ribbon containing 7.7 mCi of indium-192 and failed to conduct required surveys during the procedure. (7 pages)
8. 11/01/2001 ML013090202 EA-01-218 - Palmerton & Parrish, Inc. - On November 1, 2001, a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$3000 was issued for a Severity Level III problem involving failure to maintain control of radioactive material that is in an unrestricted area. Licensee lost a Troxler moisture density gauge containing 10 mCi cesium-137 and 40 mCi americium-241. The gauge source rod handle was not locked, and the gauge was not locked and secured in its case when it fell from the bed of the pickup truck in which it was being transported. (7 pages)
9. 11/06/2001 ML013110603 EA-01-214 - Mathy Construction Company - On November 6, 2001, a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$3,000 was issued for a Severity Level III problem involving the failure to secure and limit access to a portable moisture density gauge. An unsecured Troxler moisture density gauge containing 8 mCi cesium-137 and 40 mCi americium-241 was stolen, then found. (7 pages)
10. 11/06/2001 ML013100118 EA-01-266 - Burlington Performance Wear - On November 6, 2001, the NRC exercised enforcement discretion in accordance with the Interim Enforcement Policy for Generally Licensed Devices Containing Byproduct Material and refrained from issuing enforcement action for a violation involving the loss of a gauge containing 10 mCi Am-241. (3 pages)

11. 11/15/2001 ML013190375 EA-01-237 - SCI Engineering, Inc. - On November 15, 2001, a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$3,000 was issued for a Severity Level III violation involving the failure to secure from unauthorized removal or limit access to byproduct material. The licensee left the gauge in a truck with the key in the ignition and the truck and gauge were stolen. (6 pages)
12. 02/27/2001 ML020580143 EA-01-314 - Trap Rock Industries, Inc. - On February 27, 2001, the NRC issued a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$3,000 for a Severity Level III violation involving the failure to secure from unauthorized removal, or limit access, to a Troxler density gauge containing 8mCi of cesium-137 in an unrestricted area. The gauge was stolen. (7 pages)
13. 03/12/2002 ML020710257 EA-02-002 - I. Gonzalez Martinez Oncologic Hospital - On March 12, 2002, a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$7,500 was issued for a Severity Level III problem involving multiple violations associated with the failure to secure licensed material (a radioactive implant). Licensee failed to immediately report the loss of an unshielded radioactive implant containing approximately 97.6 mCi of Cesium-137. (19 pages)
14. 06/11/2002 ML021630427 EA-02-035 - Stora Enso North America Corporation - On June 11, 2002, a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$7500 was issued for a Severity Level III problem involving the failure to control and maintain constant surveillance of radioactive material (a fixed gauge). (10 pages)
15. 08/08/2002 ML022200697 EA-02-134 - GME Consultants, Inc. - On August 8, 2002, a Notice of Violation was issued for a Severity Level III violation involving the failure to secure from unauthorized removal or limit access to licensed material (10 millicuries of cesium-137 and 50 millicuries of americium-241-beryllium) contained in a portable moisture density gauge and two sealed sources respectively, and the failure to control and maintain constant surveillance of this licensed material. (6 pages)

16. 08/29/2002 ML022410445 EA-02-151 - Maxim Technologies, Inc. - On August 29, 2002, a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$3,000 was issued for a Severity Level III violation involving the failure secure from unauthorized removal or limit access to licensed material (8 millicuries of cesium-137 and 40 millicuries of americium-241) contained in a portable moisture density gauge and failure to maintain constant surveillance of this licensed material. Although the civil penalty would have been fully mitigated based on the normal civil penalty assessment process; a base civil penalty was assessed in accordance with Section VII.A.1.g of the Enforcement Policy to reflect the significance of maintaining the control of licensed material. (6 pages)
17. 09/26/2002 ML022700209 EA-02-135 - Alt & Witzig Engineering, Inc. - On September 26, 2002, a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$3,000 was issued for a Severity Level III problem involving the failure to properly prepare (block and brace) a moisture density gauge (that included 8 millicuries of cesium-137 and 40 millicuries of americium-241/beryllium) for transport that resulted in the gauge being lost and the failure to immediately notify the NRC. Although the civil penalty would have been fully mitigated based on the normal civil penalty assessment process, a base civil penalty was assessed in accordance with Section VII.A.1.g of the Enforcement Policy to reflect the significance of maintaining the control of licensed material. (7 pages)

**APPENDIX B  
RECORDS ALREADY BEING RELEASE IN THIER ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	12/21/2001	EA-01-282 - University of Wisconsin-Madison - On December 21, 2001, a Notice of Violation and Imposition of Civil Penalty in the amount of \$3,000 was issued for a Severity Level III violation involving the failure to secure from unauthorized removal or limit access to 4 americium-241 sealed sources containing 6.5 microcuries each. (6 pages)