

NOTICE OF VIOLATION

Turbon International
York, PA
EA 03-118

Docket No. 99990001
General License

During an NRC inspection conducted on April 29, 2003, one violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG-1600, the violation is listed below:

10 CFR 30.3 requires, in part, that except for persons exempted, no person shall possess or use byproduct material except as authorized by a specific or general license issued pursuant to Title 10, Chapter 1, Code of Federal Regulations.

Contrary to the above, from the 1997 or 1998 until June 1, 2001, Turbon International (Turbon) possessed three Kay-Ray Sensall Model 7062B gauges, each containing 10 millicuries of cesium-137, without a valid specific or general NRC license, and was not exempt from the requirements for a license. The general license granted in 10 CFR 31.5 did not apply since the gauges were not received by Turbon from one of the specific licensees described of 10 CFR 31.5(b)(1) or through a transfer from a general licensee made pursuant to 10 CFR 31.5(c)(9), since the gauges did not remain in use at a particular location. In addition, Turbon installed and removed from service these gauges, an activity which requires a specific NRC license and Turbon did not possess a specific license.

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

Pursuant to 10 CFR 2.201 Turbon International, 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, (EA 03-118)" and should include for the 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. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site at <http://www.nrc.gov/reading-rm.html>. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made

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publically available 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.

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

Dated This 11th day of June 2003