



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

August 28, 2003

Docket No. 99990001

General Licensee

Kenneth Kaufman
PerkinElmer Instruments
710 Bridgeport Avenue
Shelton, CT 06484

SUBJECT: LOSS OF GENERALLY LICENSED RADIOACTIVE MATERIAL

Dear Mr. Kaufman:

On March 4, 2003, you informed the NRC of the loss of a radioactive sealed source which had been contained in a generally licensed device. The device, a Nuclear Radiation Development (NRD) NucleSpot antistatic ionizer, serial no. A2BX473, containing a maximum of 5 millicuries polonium-210 foil as source material, had been secured by tape to a thermal galvanometric analyzer since April 2002. This device was one of six similar ionizers that had been in service and leased from the manufacturer. The missing device was last accounted for approximately seven months ago. On approximately February 18, 2003 you realized the device was missing while preparing the return of the six ionizers to the manufacturer for scheduled replacement.

You informed the NRC that PerkinElmer Instruments had conducted searches for the device which measures approximately 1-1/2" in diameter, however, the material was not recovered. In addition, you noted that it is probable that the device was mistakenly discarded with the analyzer as scrap metal taken offsite. No notification was made to you from the scrap metal hauler identifying the missing device. Subsequently, you have committed to perform quarterly inventory checks in the future to prevent recurrence of this loss.

10 CFR 31.5(c)(8) requires, in part, that any person who acquires, receives, possess, uses or transfers byproduct material in a device pursuant to a general license shall, except as provided in 10 CFR 31.5(c)(9), transfer or dispose of the device containing byproduct material only by transfer to persons holding a specific license pursuant to 10 CFR Parts 30 and 32 or an Agreement State to receive the device.

Contrary to the above, between February 18, 2003 and March 4, 2003, PerkinElmer Instruments transferred/discharged of a sealed source containing approximately 5 millicuries of polonium-210 foil which had been contained in a NRD NucleSpot antistatic ionizer, and this transfer/disposal was not made to a person holding a specific license pursuant to 10 CFR 30 and 32 or an Agreement State to receive the device, and exceptions in 10 CFR 31.5(c)(9) did not apply.

K. Kaufman
PerkinElmer Instruments

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Although a violation of 10 CFR 31.5 was identified, since your actions were not willful, and because you identified and reported the violation to the NRC, and took appropriate corrective action to address the violation and prevent recurrence of similar problems, we are exercising enforcement discretion in accordance with the Interim Enforcement Policy for Generally Licensed Devices (May 1, 2000; 65 FR 25368), and not issuing any enforcement action for this violation. However, any future violations of 10 CFR 31.5 may be considered for enforcement action.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARs) component of the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm.html> (the Public Electronic Reading Room).

Thank you for your cooperation.

Sincerely,

Original signed by John D. Kinneman

John D. Kinneman, Chief
Nuclear Materials Safety Branch 2
Division of Nuclear Materials Safety

cc:
State of Connecticut

K. Kaufman
PerkinElmer Instruments

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