



December 3, 2003

F. Congel, Director, Office of Enforcement  
U.S. Nuclear Regulatory Commission  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852-2738

SUBJECT: REPLY TO A NOTICE OF VIOLATION, EA 03-096

Dear Mr. Congel,

Please accept this letter as a response to the Notice of Violation and Proposed Imposition of Civil Penalty (EA 03-196) dated November 26, 2003 and pursuant to the requirements of 10 CFR 2.201. The response below relates to the identified violation of 10 CFR 20.1801 and 20.1802. Please note that a detailed root cause analysis and associated corrective actions were previously provided by ABB in letters to the Nuclear Regulatory Commission (NRC) dated October 7, 2003 and October 29, 2003. The following items relate to information requested in Paragraph 2 on the Enclosure to the NRC's November 26, 2003 letter.

- (1) ABB Inc. admits the violation as identified in the Notice of Violation.
- (2) The root cause of the violation is detailed in ABB's letter dated October 7, 2003. In short, the violation was caused by separation of the source capsule from the source holder during preparation of the source holder for shipment. Identification of the separation of the source was not made until after the area, where the work was completed, was cleaned up and the waste removed to the local landfill.
- (3) Corrective actions are detailed in ABB's letters dated October 7, 2003 and October 29, 2003. Specifically ABB has obtained detailed information on the design of the device involved in this specific incident, ABB commits to a thorough review requiring specific information for all non-ABB devices with which we provide services, ABB has revised our source processing policy to assure a more timely identification of discrepancies or problems with the sources received, and ABB is in the process of reviewing all of our policies and procedures to assure that any source handling services are completed in a manner to minimize the risk of loss of control of radioactive materials.
- (4) ABB Inc. will continue to review all source handling procedures to apply lessons learned from this incident to assure a similar violations will not occur.

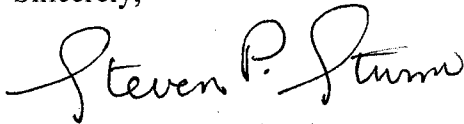
**ABB Inc.**

- (5) ABB Inc. believes that we are currently in full compliance with the applicable regulations. We have implemented the necessary policy changes and have obtained additional information from the manufacturer relating to the device involved in the incident. Other non-ABB devices are being reviewed as services are requested. ABB Inc. is currently reviewing other source handling procedures and is making applicable changes as necessary.

ABB will pay the civil penalty associated with this violation via check. A statement indicating this is included with this letter, as is the check for the full amount of the civil penalty.

Please confirm that ABB Inc. has fully met the requirements identified in the Notice of Violation and Proposed Imposition of Civil Penalty. If any additional information is required, please contact Dr. Jonathan Fortkamp, ABB's Radiation Safety Officer, via phone at 614-261-2337 or via email at [jonathan.fortkamp@us.abb.com](mailto:jonathan.fortkamp@us.abb.com).

Sincerely,

A handwritten signature in cursive script that reads "Steven P. Sturm".

Steven P. Sturm  
Director of Measurement Technology

cc: Regional Administrator, NRC Region I  
Jonathan C. Fortkamp, ABB Inc.