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April 5, 2004

U.S. Nuclear Regulatory Commission  
Region 1  
475 Allendale Road  
King of Prussia, PA 19406-1415

Attention: To Whom It May Concern

**Subject: Response to Apparent Violations in Inspection Report No. 9990001/2004001**

This letter was drafted in response to the letter issued by the NRC on 3/9/04 resulting from an inspection on 1/14/04. During this inspection 4 apparent violations were noted. Below is a description of the apparent violations, cause of the apparent violations, corrective actions surrounding the apparent violations and the date of full compliance.

1. **Apparent Violation #1:** Improper disposal of a thickness gauge containing byproduct material.

**Direct Cause:** Radioactive content within the box was not known to the employee prior to the disposal of the device. This device was being stored in a box with non-radioactive material. With the closure to the R&D facility, this box was moved to a staging area then discarded.

Had this information been displayed on the device, the gauge would have been identified and disposed of properly.

**Indirect Cause:** Improper storage of the byproduct material.

**Corrective Actions:**

- This source was recovered by Onyx Green Tree landfill and successfully transferred to NDC (the manufacturer) on February 5, 2004 (cost and information supporting this effort was submitted in our letter to the NRC dated Feb 5<sup>th</sup>)
- Other corrective actions surrounding this event have been identified in the letter to the NRC dated February 5, 2004.
- Initial training has been conducted with all employees working around the radioactive devices concerning the proper identifications of radioactive material, signage and handling.
- All management staff was made aware of the event and are supportive of corrective actions implemented.

**Prevention of Further Occurrence:**

Previously radiation devices were handled and categorized under the site Hazardous waste procedure. Since this event, a separate radiation program has been developed to specifically control radioactive devices on site.

**Date of Full Compliance:** 1/30/04

2. **Apparent Violation #2:** Lack of labels affixed to the device at the time of receipt and bearing a statement that the removal of the label is prohibited, and that the employee is to comply with all instructions and precautions provided by such labels.

**Direct Cause:** Lack of adequate training to the individuals working with the devices containing byproduct material.

**Corrective Actions:**

Initial training has been conducted with all employees having interaction with devices containing byproduct material concerning the identification of radioactive material, signage, consequences resulting from the removal or covering of signs and the activation of our progressive discipline policy if failure to comply occurs.

**Prevention of Further Occurrence:**

This training will be conducted annually to assure continued awareness.

**Date of Full Compliance:** 2/16/04

3. **Apparent Violation #3:** Lack of individual appointed to be responsible for having knowledge of the appropriate regulations and actions.

**Direct Cause:** Responsibilities of former employee responsible for insuring compliance with regulations were not reassigned.

**Indirect Cause:** System not in place to ensure replacement of responsibilities when employees leave company.

**Corrective Actions:**

A responsible individual was appointed on 1/14/04 to oversee radiation program.

**Prevention of Further Occurrence:** Within the radiation Safety program a full description of the responsibilities of the responsible person is outlined and identified. A description of these responsibilities have been fully outlined in the letter dated Feb 5, 2004

**Date of Full Compliance :** 1/30/04

4. **Apparent Violation #4:** Failure to report the transfer of device containing byproduct material (an exit sign containing tritium) to the NRC within 30 days

**Direct Cause:** Contractor's activities were not supervised.

**Corrective Actions:**

The plant manager who was in charge at the time of the construction/renovation (1989), and the company contracted to perform the renovation were contacted, but they were unable to provide any information concerning the status of the sign containing byproduct material.

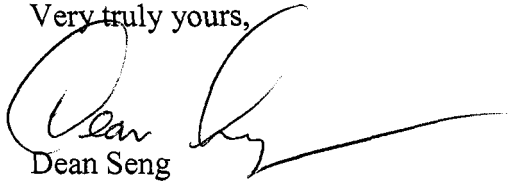
Since the renovations that occurred in 1989, a contractor safety orientation has been initiated at the site. Radiation safety is included in this orientation.

**Prevention of Further Occurrence:** A log has been created that identifies all radioactive material found on site and its location. The log is reviewed and updated annually or, when a radioactive device is added to the facility, transferred from the facility or there is a location change. ( A copy of this log was provided as an attachment to the letter dated 2/5/04.)

**Date of Full Compliance:** 2/5/2004

Please contact the undersigned if further questions or clarifications pertaining to this response are required.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Dean Seng', with a long horizontal flourish extending to the right.

Dean Seng

Plant Manager

973-628-5586

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