

April 30, 2004
EN 04-028

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Saint-Gobain Performance Plastics Corporation (EA-04-035)
Wayne, NJ 07470
Docket No. 99990001 (General License)

Subject: PROPOSED IMPOSITION OF CIVIL PENALTY - \$7,500

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$7,500 will be issued on or about May 05, 2004, to Saint-Gobain Performance Plastics Corporation. This action is based on a Severity Level (SL) III violation involving the failure to maintain control of a thickness gauge containing 150 millicuries of americium-241 which resulted in the loss of the gauge. Specifically, on December 31, 2003, a radioactive source was identified in a municipal waste shipment at the Onyx Greentree Landfill in Kersey, Pennsylvania. The source was traced to a gauge previously possessed by Saint-Gobain Performance Plastics Corporation. An NRC inspection found that after disassembly of equipment at the facility, the gauge had been discarded in the normal trash. At the time the gauge was discovered at the landfill, the gauge's source was in the shielded condition. In addition, the NOV includes three Severity Level IV violations that involved (1) the failure to maintain labels affixed to the device after receipt, 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; (2) the failure to appoint an individual responsible for having knowledge of the appropriate regulations and actions; and (3) the failure to report to the NRC within 30 days the transfer of an exit sign containing tritium from the licensee's facility to another general licensee.

Although application of the normal civil penalty assessment process would not have resulted in a civil penalty in this case, the revised Enforcement Policy, published December 18, 2000, (effective February 16, 2001) provides that, notwithstanding normal application of the civil penalty assessment process, a civil penalty of at least the base amount should normally be proposed in this type of case to reflect the significance of the violations and to emphasize the importance of maintaining control of licensed material (see Section VII.A.1(g) of the Enforcement Policy). Therefore, the staff is proposing imposition of the base civil penalty in the amount of \$7,500.

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Notice	May 05, 2004
Telephone Notification of Licensee	May 05, 2004

The State of New Jersey and the Commonwealth of Pennsylvania will be notified.

The licensee has thirty days from the date of the Notice in which to respond. Following NRC evaluation of the response, the civil penalty may be remitted, mitigated, or imposed by Order.

Contacts: Sally L. Merchant, OE, 415-2747; Chris Nolan, OE, 415-2741

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**PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION**