

NRC FORM 591M PART 1  
(10-2003)  
10 CFR 2.201

U.S. NUCLEAR REGULATORY COMMISSION

**SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION**

1. LICENSEE/LOCATION INSPECTED: <b>Rock-Tenn Company</b> 431 Helen Avenue Ostego, MI 49078		2. NRC/REGIONAL OFFICE <b>U.S. Nuclear Regulatory Commission</b> Region III 2443 Warrenville Road, Suite 210 Lisle, IL 60532-4351	
REPORT <b>2004-002</b>			
3. DOCKET NUMBER(S) <b>99990003</b>	4. LICENSEE NUMBER(S) General License 10 CFR 31.5	5. DATE(S) OF INSPECTION <b>06/03/2004</b>	

**LICENSEE:**

The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Nuclear Regulatory Commission (NRC) rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector. The inspection findings are as follows:

- 1. Based on the inspection findings, no violations were identified.
- 2. Previous violation(s) closed.
- 3. The violation(s), specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is being taken, and the remaining criteria in the NRC Enforcement Policy, NUREG-1600, to exercise discretion, were satisfied.

\_\_\_\_\_ Non-Cited Violation(s) was/were discussed involving the following requirement(s) and Corrective Action(s):

- 4. During this inspection certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11.

(Violations and Corrective Actions)

Title 10 CFR 31.5(c)(13)(i) requires that any person who acquires, receives, possesses, uses or transfers byproduct material in a device pursuant to a general license shall assure to register in accordance with paragraphs (c)(13)(ii) and (iii) of this section, devices containing at least 37 MBq (1 millicurie) of americium-241 or any other transuranic, based on the activity indicated on the label. Each address for a location of use, as described under paragraph (c)(13)(iii)(D) of this section, represents a separate general license and requires a separate registration and fee.

Contrary to the above, in May 2002, the Rock-Tenn Company located in Ostego, Michigan, a general licensee as described in 10 CFR 31.5(c), purchased two NDC Model 104P Serial Numbers 2123 and 5117, back scatter portable gauges. Each gauge contained 150 millicuries americium-241 sealed sources, and these devices were not registered under paragraph (c)(13)(ii) and (iii) of this section, devices containing at least 37 MBq (1 millicurie) of americium-241 or any other transuranic, based on the activity indicated on the label. Each address for a location of use, as described under paragraph (c)(13)(iii)(D) of this section, represents a separate general license and requires a separate registration fee. As a corrective action, on May 28, 2004, the Rock-Tenn Company, a general licensee had transferred the two gauges to Volth Fabrics Shreveport, Inc., a specific licensee (License No. 17-26958-01).

**Licensee's Statement of Corrective Actions for Item 4, above.**

I hereby state that, within 30 days, the actions described by me to the inspector will be taken to correct the violations identified. This statement of corrective actions is made in accordance with the requirements of 10 CFR 2.201 (corrective steps already taken, corrective steps which will be taken, date when full compliance will be achieved). I understand that no further written response to NRC will be required, unless specifically requested.

Title	Printed Name	Signature	Date
LICENSEE'S REPRESENTATIVE	Michael Cummings		8-15-04
NRC INSPECTOR	Tony Go		6/30/04

NRC FORM 591M PART 1 (10-2003)