



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

June 1, 2005

Docket No. 03036229

License No. 29-30807-01

Marc A. White  
Technical Manager & RSO  
Kufferath, Inc.  
1301 Metropolitan Avenue  
Paulsboro, NJ 08094

**SUBJECT: INSPECTION 03036229/2005001, KUFFERATH, INC., PAULSBORO, NEW JERSEY SITE AND NOTICE OF VIOLATION**

Dear Mr. White:

On April 28, 2005, Judith A. Joustra of this office conducted a safety inspection at the above address of activities authorized by the above listed NRC license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selected examination of representative records. The findings of the inspection were discussed with of you at the conclusion of the inspection.

We have reviewed the information provided in your letter to the NRC dated May 10, 2005. With respect to Item No. 2 concerning film badges, please note that, as the licensee, you are responsible either for maintaining documentation which demonstrates that unmonitored individuals are not likely to receive a radiation dose in excess of 10% of the allowable limits in 10 CFR Part 20 or to provide dosimetry. If the gauge supplier has performed an such an evaluation, you should obtain a copy of the evaluation and compare it with the guidance provided in Appendix I of NUREG-1556, Vol. 1, Rev.1 prior to maintaining it as your record of the evaluation. With respect to Item No. 4, concerning inventories of the gauge, during the inspection you stated that you perform an inventory every time you ship the gauge back to the manufacture for service and leak testing. Documentation of this inventory must be completed and maintained for inspection. With respect to Item No. 6 concerning the use of "bungy cords," during the inspection this was mentioned as one possible way to brace the gauge while being transported in a rented vehicle. You may choose any method as long as it complies with Department of Transportation requirements for blocking and bracing. Also please note that effective July 2005, you will be required to comply with 10 CFR Part 30.34(i) which includes new requirements for securing portable gauges.

Based on the results of this inspection, it appears that your activities were not conducted in full compliance with NRC requirements. A Notice of Violation is enclosed that categorizes each violation by severity level. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response

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to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

Current NRC regulations and the General Policy and Procedure for NRC Enforcement Actions are available at the NRC web site at <http://www.nrc.gov/materials/miau/mat-toolkits.html> and <http://www.nrc.gov/what-we-do/regulatory/enforcement> or by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays).

Your cooperation with us is appreciated.

Sincerely,

***Original signed by John D. Kinneman***

John D. Kinneman, Chief  
Security and Industrial Branch  
Division of Nuclear Materials Safety

Enclosure:  
Notice of Violation

cc:  
State of New Jersey

M. White  
Kufferath, Inc.

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DATE	05/19/2005		05/20/2005					

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## NOTICE OF VIOLATION

Kufferath, Inc.  
Paulsboro, NJ

Docket No. 03036229  
License No. 29-30807-01

During an NRC inspection conducted on April 28, 2005, four violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Condition No. 16 of License No. 29-30807-01 requires that each portable gauge shall have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position. The gauge or its container must be locked when in transport or storage, or when not under the direct surveillance of an authorized user.

Contrary to the above, as of April 28, 2005, neither the gauge nor its container were locked while the gauge was being transported or in storage.

This is a Severity Level IV violation (Supplement VI).

- B. Condition No. 20 of License No. 29-30807-01 requires that the licensee conduct its program in accordance with the statements, representation, and procedures contained in Application dated February 24, 2003.

1. Item No.10, "Radiation Safety Program - Survey Instruments," of this application requires that the licensee either possess or have access to and use, a radiation survey meter that meets the Criteria in section entitled "Radiation Safety Program - Instruments" in NUREG-1556, Vol. 1, Rev. 1, dated November 2001.

Contrary to the above, as of April 28, 2005, the licensee did not possess or have access to a radiation survey meter that meets the Criteria in NUREG - 1556, Vol.1, Rev. 1, dated November 2001.

This is a Severity Level IV violation (Supplement VI).

2. Item No.10, "Radiation Safety Program - Occupational Dosimetry," of this application requires that the licensee either maintain, for inspection by NRC, documentation demonstrating that unmonitored individuals are not likely to receive a radiation dose in excess of 10 percent of the allowable limits in 10 CFR Part 20, or provide dosimetry processed and evaluated by an NVLAP approved processor that is exchanged at a frequency recommended by the processor.

Contrary, to the above as of April 28, 2005, the licensee did not maintain documentation demonstrating that unmonitored individuals are not likely to receive a radiation dose in excess of 10 percent of the allowable limits in 10 CFR Part 20 or provide dosimetry as required.

This is a Severity Level IV violation (Supplement IV).

- C. Condition No. 11 of License No. 29-30807-01 requires that licensed material be used by, or under the supervision and in the physical presence of, individuals who have received the training described in the application dated February 24, 2003.

Contrary to the above, as of April 28, 2005, licensed material had been used by someone who had not received the training described in the application dated February 24, 2000, nor was this individual under the supervision and physical presence of someone who had completed the training. Specifically, the licensee transported the gauge containing approximately 80 millicuries of americium-241 in the form of a sealed source from their Williamstown, NJ facility to a recently approved storage facility in Paulsboro, NJ. The licensee's RSO is the only individual trained in accordance with the Application dated February 24, 2003. The RSO did not transport the gauge nor was the RSO physically present to supervise the individual who did transport the gauge. The NRC includes transportation of licensed material in its definition of use.

This is a Severity Level IV violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, Kufferath, Inc. Is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Notice of Violation  
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Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site.

Current NRC regulations and the General Policy and Procedure for NRC Enforcement Actions are available at the NRC web site at <http://www.nrc.gov/materials/miau/mat-toolkits.html> and <http://www.nrc.gov/what-we-do/regulatory/enforcement> or by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays). To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 1<sup>st</sup> day of June 2005