December 7, 2005

EA-05-224
NMED No. 050728

Jim Janis
Plant Manager
Continental Structural Plastics
103 Sheridan Street
P.O. Box 367
Petoskey, MI 49770

SUBJECT: NRC REVIEW OF REPORT FROM CONTINENTAL STRUCTURAL PLASTICS, REGARDING MISSING STATIC ELIMINATORS, AND NON-CITED VIOLATION

Dear Mr. Janis:

This refers to the report dated November 15, 2005, submitted by John Tyra of your staff, regarding the loss of two static eliminators. The static eliminators, each containing a nominal 10 millicuries of polonium-210, were lost from your Petoskey, Michigan, facility on September 12 and October 3, 2005.

Based on the report, the NRC has determined that a Severity Level IV violation of NRC requirements occurred, regarding the failure to properly dispose of a nominal 20 millicuries of polonium-210 contained in two static elimination devices (10 CFR 31.5(c)(8)(ii), copy enclosed). The violation was evaluated in accordance with the NRC Enforcement Policy, and is being treated as a Non-Cited Violation (NCV), consistent with Section VI.A of the Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at http://www.nrc.gov; select **What We Do**, **Enforcement**, then **Enforcement Policy**.

If you contest the violation or significance of the NCV, you should provide a response within 30 days of the date of this letter, with the basis for your denial, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with copies to the Regional Administrator, Region III, and the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed on the docket in your report dated November 15, 2005. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified above.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at http://www.nrc.gpv/reading-rm/adams.html. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Sincerely,

/RA/

John Madera, Chief
Materials Inspection Branch

Docket No. 99990003
General Licensee 10 CFR 31.5

Enclosure: 10 CFR 31.5(c)(8)(ii)

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§ 31.5 Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere [excerpted].

(c) Any person who acquires, receives, possesses, uses or transfers byproduct material in a device pursuant to the general license in paragraph (a) of this section:

[...]

(7) Shall not export the device containing byproduct material except in accordance with part 110 of this chapter;

(8)(i) Shall transfer or dispose of the device containing byproduct material only by export as provided by paragraph (c)(7) of this section, by transfer to another general licensee as authorized in paragraph (c)(9) of this section, or to a person authorized to receive the device by a specific license issued under parts 30 and 32 of this chapter, or part 30 of this chapter that authorizes waste collection, or equivalent regulations of an Agreement State, or as otherwise approved under paragraph (c)(8)(iii) of this section.

(ii) Shall, within 30 days after the transfer of a device to a specific licensee or export, furnish a report to the Director of Nuclear Material Safety and Safeguards, ATTN: Document Control Desk/ GLTS, using an appropriate method listed in § 30.6(a) of this chapter. The report must contain--

(A) The identification of the device by manufacturer's (or initial transferor's) name, model number, and serial number;

(B) The name, address, and license number of the person receiving the device (license number not applicable if exported); and

(C) The date of the transfer.

(iii) Shall obtain written NRC approval before transferring the device to any other specific licensee not specifically identified in paragraph (c)(8)(i) of this section.

(9) Shall transfer the device to another general licensee only if--

(i) The device remains in use at a particular location. In this case, the transferor shall give the transferee a copy of this section, a copy of §§ 31.2, 30.51, 20.2201, and 20.2202 of this chapter, and any safety documents identified in the label of the device. Within 30 days of the transfer, the transferor shall report to the Director of Nuclear Material Safety and Safeguards, ATTN: Document Control Desk/GLTS, using an appropriate method listed in § 30.6(a) of this chapter--

(A) The manufacturer's (or initial transferor's) name;

(B) The model number and the serial number of the device transferred;

(C) The transferee's name and mailing address for the location of use; and

(D) The name, title, and phone number of the responsible individual identified by the transferee in accordance with paragraph (c)(12) of this section to have knowledge of and authority to take actions to ensure compliance with the appropriate regulations and requirements; or

(ii) The device is held in storage by an intermediate person in the original shipping container at its intended location of use prior to initial use by a general licensee.

Enclosure