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

May 8, 2006

Docket No. 99990001 General License
EA No. 06-088

Edward Canning
HSE Manager
Saint-Gobain Performance Plastics
1 Sealants Park
Granville, NY 12832

SUBJECT: INSPECTION 99990001/2005032, SAINT-GOBAIN PERFORMANCE PLASTICS, NEW HAVEN, CONNECTICUT, AND NOTICE OF VIOLATION

Dear Mr. Canning:

On November 17, 2005, Ronald Rolph of this office conducted an inspection at your facility located in New Haven, Connecticut. The inspection was limited to a review of circumstances surrounding the loss of two devices that you had previously acquired under the general license in 10 CFR 31.5(a). On September 28, 2005, you notified the NRC Operations Center of the loss of these devices (Event No. 42022). Your notification stated that each of these devices (each an LFE Industrial System Corporation Model S-6A) initially contained 500 millicuries of krypton 85 in sealed form, and the combined residual radioactivity in the devices would have been approximately 85 millicuries when they were lost. Additional information provided in your correspondence dated October 7, 2005 (ML053500238), and February 28, 2006, (ML060740201); and the telephone conversations on January 24, 2006 (ML061240357), and March 23, 2006 (ML061240350), between John Maitland of your organization and Ronald Rolph was also reviewed as part of the inspection. The findings of the inspection were discussed with John Maitland of your organization at the conclusion of the inspection.

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 the violation by severity level in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy). Normally, you would be required to respond to this letter and document the specific actions taken and any additional actions you plan to prevent recurrence. However, 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 the above referenced letters. 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 in the enclosed Notice.

Current NRC regulations are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Industrial, and Academic Uses of Nuclear Material;** then **Toolkit Index Page.** The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **What We Do, Enforcement,** then **Enforcement Policy.** Or you may obtain these documents

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 George Pangburn

George Pangburn, Director
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
John A. Maitland, Radiation Safety Officer
State of New York
State of Connecticut

Distribution:
D. J. Holody, RI
Sally Merchant, OE

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SISP Review Complete: Sattar Lodhi
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DATE	05/05/2006		05/05/2006		5/6/2006		5/03/2006	

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NOTICE OF VIOLATION

Saint-Gobain Performance Plastics
Granville, NY

Docket No. 99990001
General License

During an NRC inspection conducted on November 17, 2005, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

. 10 CFR 20.1801 requires that the licensee secure from unauthorized removal or access licensed materials that are stored in controlled or unrestricted areas. 10 CFR 20.1802 requires that the licensee control and maintain constant surveillance of licensed material that is in a controlled or unrestricted area and that is not in storage. As defined in 10 CFR 20.1003, *controlled area* means an area, outside of a restricted area but inside the site boundary, access to which can be limited by the licensee for any reason; and *unrestricted area* means an area, access to which is neither limited nor controlled by the licensee.

Contrary to the above, in late 2003 or early 2004, the licensee did not secure from unauthorized removal or limit access to two devices (LFE Systems Corporation Model S-6A) containing a total of 85 millicuries of krypton 85, a byproduct material, and were stored at the licensee's facility in New Haven, Connecticut, in a controlled area, nor did the licensee control and maintain constant surveillance of these devices. Specifically, the licensee lost control of these devices and is unable to account for these devices.

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

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 and the date when full compliance will be achieved is already adequately addressed on the docket. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it 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).

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.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. 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 8th day of May 2006