

February 5, 2007

EA-07-005
NMED No. 060661

John Stempowski
Purchasing Manager
Prefix
1300 West Hamlin Road
Rochester Hills, MI 48309

SUBJECT: NRC REVIEW OF REPORT REGARDING LOST STATIC ELIMINATOR

Dear Mr. Stempowski:

This refers to your report dated October 20, 2006, regarding the loss of a static eliminator (NRC Document System Accession No. ML0629705400). The static eliminator contained a nominal 1.9 millicuries of polonium-210 at the time of the loss. Your letter indicated that the last use of the static eliminator was in July 2006 and you confirmed that it was lost or stolen in October 2006.

Based on the results of our review of your report, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. The violation concerned your failure to properly transfer or dispose of a general licensed device to a person or persons that are authorized to receive the device. The violation was evaluated in accordance with the NRC 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**.

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 October 20, 2006. Therefore, you are not required to respond to this letter regarding this violation unless the description in your report 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.

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

J. Stempowski

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(ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/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 R. Madera, Chief
Materials Inspection Branch

Docket No. 99990003
General Licensee 10 CFR 31.5

Enclosure:
Notice of Violation

cc w/encl: State of Michigan

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Letter to John Stempowski from John R. Madera dated February 5, 2007

SUBJECT: NRC REVIEW OF REPORT REGARDING LOST STATIC ELIMINATOR

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NOTICE OF VIOLATION

Prefix
Rochester Hills, MI

Docket No. 99990003
License No. 10 CFR 31.5
EA-07-005

Based on the NRC's review of the licensee's report dated October 20, 2006, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 31.5(c)(8) requires, in part, that any person who acquires, receives, possesses, uses or transfers byproduct material in a device pursuant to the general license shall, except as provided in 10 CFR 31.5(c)(9), transfer or dispose of the device containing byproduct material only by transfer to persons holding a specific license pursuant to 10 CFR Parts 30 and 32 or from an Agreement State to receive the device.

Contrary to the above, between July 2006 and October 2006, the licensee lost or disposed of an NDR, Model P-2021-800 static eliminator containing 1.9 millicuries of polonium-210. This loss or disposal was made to a person who did not hold a specific license pursuant to 10 CFR Parts 30 and 32 or from an Agreement State to receive the device, and the exception in 10 CFR 31.5(c)(9) did not apply. Specifically, the device was lost or stolen sometime between July and October 2006.

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

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 was achieved is already adequately addressed on the docket in the licensee's report dated October 20, 2006. You are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description in your October 20, 2006, letter does not accurately reflect your corrective actions or your position. Clearly mark your response as a "Reply to a Notice of Violation, EA-07-005" and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator and the Enforcement Officer, Region III, 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, with the basis for your denial, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

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

Dated this 5th day of February 2007