

October 30, 2007

EA-07-242

Richard J. Falk  
Radiation Safety Officer  
Environmental Protection Agency  
26 W. Martin Luther King Drive  
Cincinnati, Ohio 45268

SUBJECT: NRC INSPECTION REPORT 030-13379/2007-001(DNMS) AND NOTICE  
OF VIOLATION – ENVIRONMENTAL PROTECTION AGENCY

Dear Mr. Falk:

This refers to your telephone notification to the NRC Operations Center on July 30, 2007, and your written report dated August 29, 2007, regarding a missing nickel-63 source from your facility in Cincinnati, Ohio. The source contained a nominal 15 millicuries of nickel-63. The report indicated that the source was inadvertently disposed of in normal trash and sent to a landfill.

Based on our review of your report, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy included on the NRC's Web site at [www.nrc.gov](http://www.nrc.gov). The violation is cited in the enclosed Notice of Violation (Notice) and involves the failure to secure licensed material from unauthorized access. Specifically, the Environmental Protection Agency did not secure the nickel-63 source from unauthorized access and subsequently lost the source sometime between December 2006 and July 2007.

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 in your report dated August 29, 2007. Therefore, you are not required to respond to the Notice unless the description in your report does not accurately reflect your response.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be made 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.gov/reading-rm/adams.html>.

R. Falk

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We will gladly discuss any questions you have concerning this issue.

Sincerely,

*/RA/*

John R. Madera, Chief  
Division of Nuclear Materials Safety

License No. 34-12736-02  
Docket No. 030-13379

Enclosure:  
Notice of Violation

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See next page

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R. Falk

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Letter to Richard J. Falk from John R. Madera dated October 30, 2007

SUBJECT: NRC INSPECTION REPORT 030-13379/2007-001(DNMS) AND NOTICE  
OF VIOLATION – ENVIRONMENTAL PROTECTION AGENCY

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## NOTICE OF VIOLATION

Environmental Protection Agency  
Cincinnati, Ohio

Docket No. 030-13379  
License No. 34-12736-02  
EA-07-242

As a result of a telephone notification to the NRC Operations Center on July 30, 2007 and a written report dated August 29, 2007, a 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.

Contrary to the above, between December 2006 and July 2007, the licensee did not secure from unauthorized removal or limit access to 15 millicuries of nickel-63 located in Lab 514, which is a controlled area, and the licensed material was determined to be lost.

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 be taken to correct the violation and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in your letter dated August 29, 2007. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description in your letter 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, EA-07-242," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region III, within 30 days of the date of the letter transmitting this 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, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction.

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

Dated this 30<sup>th</sup> day of October 2007

Enclosure