

Official Use Only-Security Related Information

NOTICE OF VIOLATION

Tyme Engineering, Inc.
Southfield, MI

Docket No. 030-36599
License No. 21-32523-01
EA-07-276

During an NRC inspection on October 11, 2007, violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

10 CFR 71.5(a) requires that a licensee who transports licensed material outside of the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 170 through 189.

- A. 49 CFR 172.403 requires, in part, with exceptions not applicable here, that each package of radioactive material be labeled, as appropriate, with two RADIOACTIVE WHITE-I, RADIOACTIVE YELLOW-II, or RADIOACTIVE YELLOW-III labels on opposite sides of the package. The contents, activity, and transport index must be entered in the blank spaces on the label using a legible and durable, weather resistant means. The contents entered on the label must include the name or abbreviation (e.g., ⁹⁹Mo) of the radionuclides as taken from the listing in 49 CFR 173.435, or for mixtures of radionuclides, those nuclides determined in accordance with the provisions of 49 CFR 173.433(f), with consideration of space available on the label.

Contrary to the above, on September 15, 2007, the licensee transported outside the confines of its facility a package (transportation case) containing a Troxler Model 3440 portable moisture/density gauge, containing 8 millicuries of cesium-137 and 44 millicuries of americium-241, without the required RADIOACTIVE YELLOW-II labels. Specifically, only one RADIOACTIVE YELLOW-II label was placed on one side of package and the one label on the transport case was illegible.

This is a Severity Level IV Violation (Supplement V).

- B. 49 CFR 177.834(a) requires, in part, that packaging not permanently attached to the motor vehicle and containing radioactive material must be secured against movement within the vehicle on which it is being transported, under conditions normally incident to transportation.

Contrary to the above, on September 15, 2007, the licensee transported a Troxler Model 3430 portable moisture/density gauge containing 8 millicuries of cesium-137 and 44 millicuries of americium-241, on a public highway, and the package was not secured against movement within the vehicle. Specifically, the transportation package was attached to the transport vehicle with a single cable securing one end of the package.

This is a Severity Level IV Violation (Supplement V).

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- C. 49 CFR 178.3(a)(3) requires, in part, that packaging represented as manufactured to a DOT specification standard or a UN standard must be stamped, embossed, burned, printed or otherwise marking on the packaging to provide adequate accessibility, permanency, contrast, and legibility so as to be readily apparent and understood.

Contrary to the above, on September 15, 2007, the licensee transported a Troxler Model 3430 portable moisture/density gauge containing 8 millicuries of cesium-137 and 44 millicuries of americium-241 within a package represented as manufactured to a DOT specification standard or a UN standard with a partially ripped and illegible label.

This is a Severity Level IV Violation (Supplement V).

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance will be achieved is already adequately addressed on the docket in NRC Inspection Report 03036599/2007-001. 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, DC 20555 with a copy to the Regional Administrator, 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.

If you choose to respond your response will be placed in the NRC Public Document Room (PDR); therefore, to the extent possible, it should not include any personal, privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction

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

Dated this 9th day of November 2007

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Publicly Available Enclosure 1

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