

February 4, 2008

EA-08-029
NMED No. 080039

Mark N. Carrier, CVX2 Plant Manager
A.L.P. Lighting Components, Inc.
12555 Taylor Road
Charlevoix, MI 49720

SUBJECT: NRC REVIEW OF REPORT FROM A.L.P. LIGHTING COMPONENTS, INC.,
REGARDING LOST POLONIUM-210 STATIC ELIMINATOR AND NOTICE OF
VIOLATION

Dear Mr. Carrier:

This refers to your report dated January 9, 2008, and received by the NRC on January 15, 2008, regarding the loss of a static eliminator containing an estimated 2.0 millicuries of polonium-210 from your facility in Charlevoix, Michigan. Your report indicated that the static eliminator was last seen in September 2007.

Based on our review of your report, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. The violation pertains to the failure to properly transfer or dispose of a generally-licensed device to a person or persons that are authorized to receive the device as required by 10 CFR 31.5(c)(8). 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/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation is cited in the enclosed Notice of Violation (Notice).

As corrective action for the violation, you plan to increase training to your staff with emphasis on the importance of monitoring and inventory control of leased nuclear devices. 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 January 9, 2008, and in this letter. Therefore, you are not required to respond to this letter regarding the violation unless the description does not accurately reflect your corrective action 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

M. Carrier

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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 License: 10 CFR 31.5

Enclosure:
Notice of Violation

cc w/encl: State of Michigan

DISTRIBUTION:
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OFFICIAL RECORD COPY

Letter to Mark Carrier from John R. Madera dated February 4, 2008

SUBJECT: NRC REVIEW OF REPORT FROM A.L.P. LIGHTING COMPONENTS, INC.,
REGARDING LOST POLONIUM-210 STATIC ELIMINATOR AND NOTICE OF
VIOLATION

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NOTICE OF VIOLATION

A.L.P. Lighting Components, Inc.
Charlevoix, MI

Docket No. 99990003
General License: 10 CFR 31.5
EA-08-029

NRC's review of the licensee's report dated January 9, 2008, indicated a violation of NRC requirements. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 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 a 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 September and December 2007, the licensee disposed of an NRD Model P2021 static eliminator containing polonium-210. This 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 most likely disposed of in a landfill which was unlicensed to receive the device.

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 in the licensee's report dated January 9, 2008, and the letter transmitting this Notice of Violation (Notice). 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, EA-08-029" 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.

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 NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any 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 4th day of February 2008

Enclosure