



Fax

To: Steve Courtemanche **From:** Michael Baselice
Fax: 610-337-5269 **Date:** June 23, 2009
Phone: **Pages:** Three
Re: NRC Safety Inspection **CC:**
Report

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

•Comments:

This is the subject signed document. As we discussed earlier, this will close out the audit and no further actions are necessary.

Please call me if you have any questions @ 908.252.9300 x 6241.

Thank you.

Regards,

A handwritten signature in black ink, appearing to read "Michael Baselice", written over a vertical line that runs down the page.

Michael Baselice

RSO

Spectra Gases

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED:
Spectra Gases, Incorporated
320 Mount Pleasant Avenue
Newark, New Jersey

2. NRC/REGIONAL OFFICE

U.S. Nuclear Regulatory Commission
Region I, 475 Allendale Road
King of Prussia, Pennsylvania 19406-1415

REPORT Nos 03036136/2009-001

3. DOCKET NUMBER(S)
03036136

4. LICENSE NUMBER(S)
29-30779-01

5. DATE(S) OF INSPECTION
1/12 - 6/22/2009

LICENSEE:

The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Nuclear Regulatory Commission (NRC) rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector. The inspection findings are as follows:

- 1. Based on the inspection findings, no violations were identified.
- 2. Previous violation(s) closed.
- 3. The violation(s), specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is being taken, and the remaining criteria in the NRC Enforcement Policy, NUREG-1600, to exercise discretion, were satisfied.
- Non-Cited Violation(s) was/were discussed involving the following requirement(s) and Corrective Action(s):
- 4. During this inspection certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11.

Violation A

10 CFR 20.1501(b) requires that licensees ensure that instruments and equipment used for quantitative radiation measurements are calibrated periodically for the radiation measured. Contrary to the above, as of January 12, 2009, the licensee did not ensure that instruments and equipment used for quantitative radiation measurements were calibrated periodically for the radiation measured. Specifically, the licensee used a radiation survey instrument for the measurement of ambient radiation dose rates and to determine the Transport Index for shipments of product

Licensee's Statement of Corrective Actions for Item 4, above.

I hereby state that, within 30 days, the actions described by me to the inspector will be taken to correct the violations identified. This statement of corrective actions is made in accordance with the requirements of 10 CFR 2.201 (corrective steps already taken, corrective steps which will be taken, date when full compliance will be achieved). I understand that no further written response to NRC will be required, unless specifically requested.

Title	Printed Name	Signature	Date
LICENSEE'S REPRESENTATIVE	MICHAEL BASORICO	<i>Michael Basorico</i>	6/23/09
NRC INSPECTOR	Steven Courtemanche	<i>Steven Courtemanche</i>	6/22/09

SUNSI Review Completed By: / RA / Steven Courtemanche

Public Non-Sensitive

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(Continued)

between April 20, 2007, and January 12, 2009, the instrument was last calibrated on April 20, 2007, and the instrument was required to be calibrated annually. This is a Severity Level IV violation (Supplement IV).

The licensee possessed a second, calibrated radiation survey instrument on site which it indicated would be used until the other radiation survey instrument was properly calibrated. The licensee also indicated that a system would be set up to keep track of when instruments required calibration. On February 5, 2009, the licensee sent an e-mail, with a calibration certificate as an attachment, showing that the radiation survey instrument had been calibrated on January 27, 2009, by a licensed vendor with a radioactive source.

Violation B

Condition 17 of License No. 29-30779-01 requires, in part, that the licensee maintain records of transfer of tritium and file an initial report within thirty days of September 30, 2008. Contrary to the above, as of January 12, 2009, the licensee maintained records of transfer of tritium but did not file an initial report. This is a Severity Level IV violation.

The licensee indicated that they were unaware that the initial report had to be issued by September 30, 2008, and would submit a distribution report as soon as possible. The licensee reviewed Condition 17 and stated to the inspector that they understood the timeline when future distribution reports would be required of the licensee. On March 9, 2009, the licensee submitted their tritium transfer reports for the period October 2003 through November 2008.