



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

August 26, 2011

EA-11-127

Holley F. Baker, II
President
Baker Inspection Group, LLC
413 Applegrove Street, NW, Suite 100
North Canton, OH 44720

SUBJECT: NOTICE OF VIOLATION - NRC Inspection Report Nos. 03037029/2011001 and 03037029/2011002

Dear Mr. Baker:

This refers to the safety and security inspection conducted between May 10 and 31, 2011 at the Baker Inspection Group facilities at ICL-IP Americas (formerly Supresta, US LLC), Gallipolis Ferry, West Virginia and at Bayer Polymers, New Martinsville, West Virginia. The purpose of the inspection was to examine licensed activities as they relate to radiation safety, security, and compliance with the Commission's regulations and the conditions of your NRC license. During the inspection, at least one apparent violation of NRC security requirements was identified. The actual number and nature of security-related violations are considered to be sensitive information, and are therefore not included in this letter, but are provided in a non-public enclosure. The apparent violation(s), which were discussed with you and Joseph Wolfe, Radiation Safety Officer, of your organization at the conclusion of the inspection during an exit meeting teleconference on May 31, 2011, were described in the non-public subject inspection report issued on June 30, 2011.

The June 30, 2011 letter transmitting the inspection report indicated that since your facility had not been the subject of escalated enforcement actions within the last two years or two inspections, a civil penalty may not be warranted in accordance with Section 2.3.4 of the NRC Enforcement Policy, but that the final NRC decision would be based on Baker Inspection Group providing specific information to the NRC. The requested information included the following: (1) confirmation that the corrective actions previously described to the NRC staff have been or are being taken; (2) a description of the root cause of the apparent violation(s) and a description of overall facility performance, including the time period of the deficiencies; and, (3) the long-term corrective actions your facility committed to take in order to prevent recurrence of the issues.

Enclosures 1 and 2 transmitted herewith contain Sensitive Unclassified Non-Safeguards Information. When separated from Enclosures 1 and 2, this transmittal document is decontrolled.

H. Baker

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In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter 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>. However, the material enclosed herewith contains security-related information in accordance with 10 CFR 2.390(d)(1) and its disclosure to unauthorized individuals could present a security vulnerability. Therefore, the material in the enclosures will not be made available electronically for public inspection. Because this issue involves security-related information, if you choose to respond, your response will not 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>. However, to the extent possible, your response should not include any personal privacy or proprietary information. If you choose to respond, you should follow the instructions specified in the enclosed Notice. The NRC also includes significant enforcement actions on its Web site at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>.

Sincerely,

A handwritten signature in black ink, appearing to read "W. M. Dean", followed by the word "for" in a smaller, cursive script.

William M. Dean
Regional Administrator

Docket No. 03037029
License No. 34-32570-01

Enclosures:

1. Notice of Violation (Contains Security-Related Information)
2. Final Determination of Significance and Description of Corrective Action (Contains Security-Related Information)

cc w/ encls:
State of Ohio
State of West Virginia