

**SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION**

1. LICENSEE/LOCATION INSPECTED:

Bomarko, Inc.  
1955 N. Oak Drive  
Plymouth, IN 46563

REPORT NUMBER(S) 2013001

2. NRC/REGIONAL OFFICE

Region III  
U. S. Nuclear Regulatory Commission  
2443 Warrenville Road, Suite 210  
Lisle, IL 60532-4352

3. DOCKET NUMBER(S)

99990003

4. LICENSE NUMBER(S)

10 CFR 31.5

5. DATE(S) OF INSPECTION

6/12/2013

**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, to exercise discretion, were satisfied.

1 Non-cited violation(s) were discussed involving the following requirement(s):

10 CFR 30.3 requires, in part, that except for persons exempted, no person shall possess or use byproduct material except as authorized by a specific or general license issued pursuant to Title 10, Chapter 1, Code of Federal Regulations.

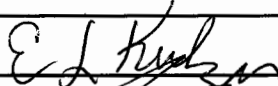

Contrary to the above, from approximately April 15, through June 17, 2013, Bomarko, Inc. possessed, without a valid NRC License, two generally licensed gauges and was not exempted from the requirements for a license.

- ☐ 4. During this inspection, certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited in accordance with NRC Enforcement Policy. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11.

(Violations and Corrective Actions)

**Statement of Corrective Actions**

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			
NRC INSPECTOR	E.L. Kulzer		6/27/13
BRANCH CHIEF	A.T. McCraw		7/1/13

## Docket File Information

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6. INSPECTION PROCEDURES USED

IP 87124

7. INSPECTION FOCUS AREAS

03.01 through 03.07

## SUPPLEMENTAL INSPECTION INFORMATION

1. PROGRAM CODE(S)

03120

2. PRIORITY

5

3. LICENSEE CONTACT

Michael Beam

4. TELEPHONE NUMBER

(574) 936-9901

☒ Main Office Inspection

Next Inspection Date: \_\_\_\_\_

☐ Field Office Inspection \_\_\_\_\_☐ Temporary Job Site Inspection \_\_\_\_\_

## PROGRAM SCOPE

Bomarko, In. obtained an assembly line containing two generally licensed gauges through the liquidation of assets from Zimmer Custom Made Packaging located at 1450 E. 20th Street, Indianapolis, IN. The radioactive gauges were not noticed for several weeks at the Bomarko location. When Bomarko became aware of the gauges which contained 150 mCi Am-241 each, they notified NRC and the gauge manufacturer NDC. On June 17, 2013, NDC picked up those two gauges and exchanged them for three similar gauges.

NDC left these gauges in a cardboard box in an office. On June 19, 2013, the NRC inspector observed the gauges and ensured that the gauges were secured in a locked cabinet, until NDC can bring these gauges back to its facility for testing and reconditioning.

Bomarko had obtained these gauges by accident after they had purchased a packaging line of equipment at a bankruptcy sale at Zimmer Custom Made Packaging in Indianapolis, Indiana. Bomarko contacted NRC and informed NRC of the fact that Bomarko had possession of these gauges illegally and requested assistance. The manufacturer of the gauges NDC, then exchanged the two gauges at Bomarko with three gauges required at Bomarko.

All thirteen gls from the Zimmer Custom Packaging site have been accounted for. (6 at Zimmer going for disposal; 2 in Mexico, 2 at Parker Equipment movers, 3 at Bomarko). The gauges from Bomarko are being registered by the licensee and sent in to NRC HQ. Two of the gauges went to Mexico. The remaining gauges will be either disposed of or returned to the manufacturer (NDC).