



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

REGION III  
2443 WARRENVILLE RD. SUITE 210  
LISLE, IL 60532-4352

December 1, 2015

EA-15-246  
EN 51486  
NMED No. 150577 (Closed)

Ms. April Rademaker  
Manager – Environment, Safety, Health,  
and Security  
Evonik Industries  
1650 Lilly Road  
Lafayette, IN 47909-9201

**SUBJECT: NRC SPECIAL INSPECTION REPORT NO. 99990003/2015005(DNMS) AND  
NOTICE OF VIOLATION – EVONIK INDUSTRIES**

Dear Ms. Rademaker:

On November 3, 2015, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted an in-office review of the circumstances surrounding the improper disposal of one tritium (H-3) exit sign at your facility. The NRC initiated this review after Evonik Industries contacted the NRC Operations Center on October 21, 2015, to report the loss of the H-3 sign. Mr. Ed Harvey of my staff presented the findings of this review to you via telephone on November 5, 2015.

During this in-office review, the NRC staff examined activities conducted under your general license related to public health and safety. Additionally, the staff examined your compliance with the Commission's rules and regulations. The in-office review consisted of examination of information provided by you to the NRC.

Based on the results of the in-office review, the NRC determined that a Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation concerned the licensee's failure to properly dispose or transfer the device, as required by Title 10 of the *Code of Federal Regulations (CFR)* 31.5(c)(8)(i). The violation is cited in the enclosed Notice of Violation (Notice). The NRC is citing the violation in the Notice because the inspector identified the violation. The NRC is citing the violation at Severity Level IV (very low safety significance), because the loss of the sign did not present a significant hazard to public health and safety.

The NRC has determined that the root cause of the violation was a lack of full understanding of NRC's requirements for generally licensed devices. This is of concern to the NRC because it increases the chance for the devices to be lost, stolen, or improperly handled which could result

in adverse impacts to the health and safety of the general public. As corrective actions to address recurrence of the event and to prevent a similar violation in the future, per your letter dated October 22, 2015, the licensee has performed a comprehensive inventory of all generally licensed (GL) sources and will verify their status on a routine basis. Key personnel who are most likely to work directly with the GL sources have also received Radiation Safety Awareness training. The licensee has also committed to issuing a sitewide awareness communication by no later than November 30, 2015, which will inform all site personnel of the unique hazards and disposal requirements for GL materials. Additionally, the details of this event will be incorporated into a shared learning communication to be distributed within the licensee's North American region.

The NRC has concluded that information regarding the root cause of the violation, the corrective actions planned to correct the violation and address its recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in this letter. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions 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, will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website 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 publicly available without redaction.

Please feel free to contact Ed Harvey of my staff if you have any questions regarding this correspondence. Mr. Harvey can be reached at 630-829-9819.

Sincerely,

***/RA Robert Gattone Acting for/***

Aaron T. McCraw, Chief  
Materials Inspection Branch  
Division of Nuclear Materials Safety

Docket No. 999-90003  
License No. General License

Enclosure:  
Notice of Violation

cc w/encl: State of Indiana

in adverse impacts to the health and safety of the general public. As corrective actions to address recurrence of the event and to prevent a similar violation in the future, per your letter dated October 22, 2015, the licensee has performed a comprehensive inventory of all generally licensed (GL) sources and will verify their status on a routine basis. Key personnel who are most likely to work directly with the GL sources have also received Radiation Safety Awareness training. The licensee has also committed to issuing a sitewide awareness communication by no later than November 30, 2015, which will inform all site personnel of the unique hazards and disposal requirements for GL materials. Additionally, the details of this event will be incorporated into a shared learning communication to be distributed within the licensee's North American region.

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Please feel free to contact Ed Harvey of my staff if you have any questions regarding this correspondence. Mr. Harvey can be reached at 630-829-9819.

Sincerely,

***/RA Robert Gattone Acting for/***

Aaron T. McCraw, Chief  
Materials Inspection Branch  
Division of Nuclear Materials Safety

Docket No: 999-90003  
License No: General License

Enclosure:  
Notice of Violation

cc w/encl: State of Indiana

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See next page

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OFFICE	RIII DNMS		RIII DNMS		RIII EICS		RIII DNMS
NAME	Nieves:ps		Harvey		Skokowski		McCraw BG for
DATE	11/24/15		11/24/15		11/30/15		12/1/15

Letter to April Rademaker from Aaron McCraw dated December 1, 2015

SUBJECT: NRC SPECIAL INSPECTION REPORT NO. 99990003/2015005(DNMS) AND  
NOTICE OF VIOLATION – EVONIK INDUSTRIES

DISTRIBUTION w/encl:

Darrell Roberts  
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MIB Inspectors

## NOTICE OF VIOLATION

Evonik Industries  
Lafayette, IN

License No. 10 CFR 31.5  
Docket No. 999-90003  
EA-15-246

During a U.S. Nuclear Regulatory Commission (NRC) in-office review conducted on November 3, 2015, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of the *Code of Federal Regulations* (CFR) CFR 31.5(c)(8)(i) requires, in part, that any person who acquires, receives, possesses, uses or transfers byproduct material in a device pursuant to a general license shall transfer or dispose of the device containing byproduct material only by export as provided by paragraph (c)(7) of this section, by transfer to another general licensee as authorized in paragraph (c)(9) of this section, or to a person authorized to receive the device by a specific license.

Contrary to the above, on October 11, 2015, Evonik Industries failed to transfer or dispose of byproduct material in a generally licensed device by export, by transfer to another general licensee, or by transfer to a person authorized by a specific license. Specifically, on October 11, 2015, the licensee reported that a tritium exit sign was inadvertently placed in the general waste when it was being replaced. Although the amount of material in the sign is greater than 1,000 times the 10 CFR Part 20 Appendix C quantity, this case represents an isolated event and involves generally licensed material that is not required to be registered.

This is a Severity Level IV violation (Section 6.7.d).

The NRC has concluded that information regarding the reason for the violation, the corrective actions planned to correct the violation and prevent recurrence, and the date when full compliance was or will be achieved is already adequately addressed on the docket in the letter transmitting this Notice of Violation (Notice). Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed 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, NRC Inspection Report No. 99990003/2015005(DNMS)" and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region III, within 30 days of the date of the letter transmitting this Notice.

If you choose to respond, your response will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website 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 publicly available without redaction.

Enclosure

Notice of Violation

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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.

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

Dated this 1<sup>st</sup> day of December, 2015.