



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BLVD.
KING OF PRUSSIA, PA 19406-2713**

April 13, 2018

David Fenton, Industrial Director –
Additive Technologies
Cytec Industries, Inc.
#1 Heilman Avenue
Willow Island, WV 26134

**SUBJECT: CYTEC INDUSTRIES, INC. - NRC INSPECTION NO. 03015161/2018001 AND
NOTICE OF VIOLATION**

Dear Mr. Fenton:

This letter refers to the inspection conducted on March 9, 2018, at your Willow Island West Virginia facility and in office review through April 9, 2018. This inspection examined activities conducted under your license as they relate to public health and safety, and to confirm compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on the results of this inspection, the NRC has determined that four Severity Level IV violations of NRC requirements occurred. These violations were evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violations are cited in the enclosed Notice of Violation (Notice) because the violations were identified by the NRC.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (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.

Current NRC regulations and guidance are included on the NRC's Web Site at www.nrc.gov; select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's Web Site at www.nrc.gov; select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free

at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

If you have any questions regarding this matter, please contact Dennis Lawyer of my staff at 610-337-5366 or via electronic mail at dennis.lawyer@nrc.gov.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arthur L. Burritt', with a long horizontal flourish extending to the right.

Arthur L. Burritt, Chief
Commercial, Industrial, R&D
and Academic Branch
Division of Nuclear Materials Safety
Region I

Docket No. 03015161
License No. 47-10136-03

Enclosure:
Notice of Violation

cc w/ enclosure
Bruce Valentine, RSO
State of West Virginia

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Sincerely,

/RA/

Arthur L. Burritt, Chief
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NOTICE OF VIOLATION

Cytec Industries
Willow Island, West Virginia

Docket No. 03015161
License No. 47-10136-03

During an NRC inspection conducted on March 9, 2018, and subsequent in office review through April 9, 2018, four violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10CFR30.34(b)(1) requires that no license issued or granted pursuant to the regulations in this part and parts 31 through 36, and 39 nor any right under a license shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of the Act and shall give its consent in writing.

Contrary to the above, on December 9, 2015, the licensee had indirectly transferred through the transfer of control the license which was issued pursuant to the regulations in this part and parts 31 through 36, and 39 without the Commission after securing full information, finding that the transfer is in accordance with the provisions of the Act and giving its consent in writing. Specifically, the licensee had been sold to Solvay on December 9, 2015, without informing the Commission.

This is a Severity Level IV violation (Enforcement Policy Section 6.3.)

- B. 10 CFR 31.5(c)(15) requires, in part, that licensees may not hold devices that are not in use for longer than 2 years.

Contrary to the above, the licensee held devices that were not in use for over 2 years. Specifically, the licensee stored one Agilent Technologies, Inc. Model 1923360576 detector cell containing a 15-millicurie nickel 63 source; and 12 exit signs manufactured by SRB Technologies, Inc. Model BX-10-AL, each containing 9.2 curies of tritium at the time of manufacture. Neither the nickel-63 source nor the tritium EXIT signs were used since the last inspection approximately 5 years ago.

This is a Severity Level IV violation (Enforcement Policy Section 6.3.)

- C. Condition 13. A. of License No. 47-10136-03 requires that the licensee shall test sealed sources for leakage and/or contamination at intervals not to exceed six months or at the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or under equivalent regulations of an Agreement State.

The Certificate of Registration for the Vegas/Ohmart gauge requires that leak testing be performed at intervals of 3 years.

Contrary to the above as of March 9, 2018, the licensee did not test a sealed source for leakage and/or contamination at the interval specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or under equivalent regulations of an Agreement State. Specifically, a Vegas/Ohmart Model SR-

1A serial number 7202Co was last leak tested on June 3, 2013. The period between June 3, 2013, and March 9, 2018, is greater than the three years as stated on the certificate of registration.

This is a Severity Level IV violation (Enforcement Policy Section 6.3.)

- D. Byproduct Materials License No. 47-10136-03, License Condition No. 24, authorizes the use of material in accordance with the statements, representations, and conditions in accordance with the license application, dated September 29, 2014.

Section 10 of the application dated September 29, 2014 in paragraph entitled, "Survey Instruments," stated, "Each survey meter will be calibrated annually by the manufacturer or other person authorized by the NRC or an Agreement State to perform survey meter calibrations."

Contrary to the above, as of March 9, 2018, the licensee possessed a survey meter which was not calibrated annually by the manufacturer or other person authorized by the NRC or an Agreement State to perform survey meter calibrations. Specifically, the only meter they possessed was last calibrated on January 19, 2017, a period of 14 months at the time of the inspection, which exceeds annually.

This is a Severity Level IV violation (Enforcement Policy Section 6.3.)

Pursuant to the provisions of 10 CFR 2.201, Cytec Industries, Inc. is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Notice of Violation
Cytex Industries, Inc.

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

Dated This 13th day of April 2018