

NOTICE OF VIOLATION

City of Ripon

License No. 48-24464-01

As a result of the inspection conducted on October 13, 1989, and in accordance with 10 CFR Part 2, Appendix C - General Statement of Policy and Procedure for NRC Enforcement Actions (1989), the following violations were identified:

1. License Condition No. 17 states that the licensee shall possess and use licensed material described in Items 6, 7 and 8 of this license in accordance with statements, representations, and procedures contained in the application dated February 26, 1985.

Item No. 9 of the referenced application (sketch of Public Works Office) describes the locked storage room for gauge storage. The location of the Public Works Office is at 100 Jackson Street, Ripon, Wisconsin.

Contrary to the above, since approximately April 1985, the licensee has not been storing their Troxler Series 3400 moisture density gauge at that location. Specifically, the gauge has been stored at 654 Aspen Street, Ripon, Wisconsin.

This is a Severity Level IV violation (Supplement VI).

2. License Condition No. 17 states that the licensee shall possess and use licensed material described in Items 6, 7 and 8 of this license in accordance with statements, representations and procedures contained in application dated February 26, 1985.

Item No. 10 of the referenced application names Mr. Charles A. Schmitt as the Radiation Safety Officer.

Contrary to the above, since approximately November 1985, an individual other than Charles A. Schmitt has been serving as the Radiation Safety Officer for this license.

This is a Severity Level IV violation (Supplement VI).

3. License Condition No. 13a requires the licensee to test sealed sources containing byproduct material for leakage and/or contamination at intervals not to exceed six months.

Contrary to the above, the licensee failed to test the sealed source containing byproduct material for leakage and/or contamination at six months intervals. Specifically, the licensee's moisture density gauge containing 10 mCi of cesium-137 and 50 mCi of americium-241 has not been leak tested since it was purchased in 1985.

This is a Severity Level IV violation (Supplement VI).

4. License Condition No. 15 states that the licensee shall conduct a physical inventory every six months to account for all gauges received and possessed under the license.

Contrary to the above, the licensee failed to conduct physical inventories since the purchase of the gauge in 1985.

This is a Severity Level IV violation (Supplement VI).

5. License Condition No. 16 states that the licensee may transport licensed material or deliver licensed material to a carrier for transport in accordance with the provisions of Title 10, Code of Federal Regulations, Part 71, "Packaging of Radioactive Material for Transport and Transportation of Radioactive Material Under Certain Conditions."

10 CFR 71.5(a) states that each licensee who transports licensed material shall comply with the Department of Transportation regulations 49 CFR Parts 170 through 189.

49 CFR Part 177.817(a) states a carrier may not transport a hazardous material unless it is accompanied by a shipping paper.

Contrary to the above, since approximately April of 1985, the licensee had not used shipping papers during transportation to accompany their Troxler Model 3400 gauge containing licensed material.

This is a Severity Level IV violation (Supplement V).

Pursuant to the provisions of 10 CFR 2.201, you are required to submit to this office within thirty days of the date of this Notice a written statement or explanation in reply, including for each violation: (1) the corrective actions that have been taken and the results achieved; (2) the corrective actions that will be taken to avoid further violations; and (3) the date when full compliance will be achieved. Consideration may be given to extending your response time for good cause shown.

November 2, 1989
Dated

Bruce M. Mallett
Bruce M. Mallett, Ph.D., Chief
Nuclear Materials Safety Branch

Appendix B

MANAGEMENT CONTROL

In order to provide you with some guidance in assessing the adequacy of your management control program, the NRC Region III office provides the following as the acceptance criteria for adequate management control for materials licensees. "Management Control" is a system instituted by management to assure that licensed activities are performed safely and in accordance with regulatory requirements (license conditions and applicable regulations).

This will include:

- a. Delineation of duties and responsibilities of all persons involved in licensed activities.
- b. Providing for indoctrination and training of all personnel performing licensed activities, specifically in those areas directly affecting compliance with NRC regulations and license conditions.
- c. Verification, as by checking, auditing and inspecting, that activities affecting safety related functions have been correctly performed. The verifying process should be performed by individuals or groups other than those performing the safety related procedures.
- d. Insuring continued compliance of licensed activities throughout periods during which routine activities may be interrupted, such as changes in equipment, personnel or facilities.

Because of the many variables involved, such as the number of personnel, type of activity being performed and the location or locations where activities are performed, the organizational structure for executing the management control program may take various forms; however, irrespective of the organizational structure, the individual or group responsible for this control should have the flexibility and authority to institute changes or corrections as required to maintain compliance with NRC regulations and license conditions.