

NOTICE OF VIOLATION

G.R.O.W.S., Inc.  
Morrisville, Pennsylvania

Docket No. 30-20016  
License No. 37-20638-01  
EA 84-129

On October 12, 1984 an NRC inspection of activities authorized under NRC License No. 37-20638-01 was conducted at the G.R.O.W.S., Inc. landfill in Morrisville, Pennsylvania. During the inspection, five violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, 10 CFR Part 2, Appendix C, as revised, 49 FR 8583 (March 8, 1984), the violations are set forth below:

- A. 10 CFR 20.207(a) requires that licensed materials stored in an unrestricted area be secured against unauthorized removal from the place of storage. 10 CFR 20.207(b) requires that materials not in storage be under constant surveillance and immediate control of the licensee. As defined in 10 CFR 20.3(a)(17), an unrestricted area is any area access to which is not controlled by the licensee for purposes of protection of individuals from exposure to radiation and radioactive materials.

Contrary to the above, on October 12, 1984, a licensed moisture density gauge, containing a 10 millicurie cesium-137 source and a 40 millicurie americium-241 source, was unlocked and stored in the rear compartment of an unlocked panel truck with the keys in the ignition, and neither the truck, parked in an unrestricted area, nor the gauge were under constant surveillance of the licensee.

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

- B. 10 CFR 19.11(a) and (b) require that current copies of 10 CFR Parts 19 and 20, the license, license conditions, documents incorporated into the license, license amendments and operating procedures be posted, or if posting of a specified document is not practicable, that a notice describing these documents, and where they may be examined, be posted.

Contrary to the above, on October 12, 1984, neither the required documents nor the notices were posted.

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

- C. Condition 12 of License No. 37-20638-01 requires that licensed material be used by, or under the supervision and in the physical presence of, named users.

Contrary to the above, on October 12, 1984 a licensed moisture density gauge was used by an individual who was not either named on the license as a user of the gauge or under the supervision and in the physical presence of a named user.

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

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- D. Condition 17 of License No. 37-20638-01 requires that the licensee possess and use licensed material described in Items 6, 7, and 8 of the license in accordance with statements, representations and procedures contained in the application dated August 24, 1983.

Item 15, Subitem 1.A.4, of the application dated August 24, 1983, requires that the Radiation Safety Officer (RSO) maintain records, including personnel exposure records, leak test records, and training certificates for all users.

Contrary to the above, as of October 12, 1984, a training certificate was not maintained for an individual using a gauge at a temporary job location on October 12, 1984.

This is a Severity Level IV violation (Supplement VI)

- E. Condition 14 of License No. 37-20638-01 requires that sealed sources containing byproduct material be tested for leakage and/or contamination at intervals not to exceed six months.

Contrary to the above, as of October 9, 1984, sealed sources located in a moisture density gauge, containing 10 millicuries of cesium-137 and 40 millicuries of americium-241, had not been tested for contamination or leakage since October 1983, an interval of more than six months.

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

Pursuant to the provisions of 10 CFR 2.201, G.R.O.W.S., Inc. is hereby required to submit to this office, within 30 days of the date of this Notice, a written statement or explanation in reply, including for each alleged violation (1) admission or denial of the alleged violation; (2) the reasons for the violation, if admitted; (3) the corrective steps that have been taken and the results achieved; (4) the corrective steps that will be taken to avoid further violations; and (5) the date when full compliance will be achieved. Consideration may be given to extending the response time for good cause shown.





UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION I  
631 PARK AVENUE  
KING OF PRUSSIA, PENNSYLVANIA 19406

December 31, 1984

Docket No. 30-20016  
License No. 37-20638-01  
EA 84-129

G.R.O.W.S., Inc.  
ATTN: Mr. Steven David  
Manager  
1121 Bordentown Road  
Morrisville, Pennsylvania 19067

Gentlemen:

SUBJECT: NOTICE OF VIOLATION (NRC INSPECTION 84-01)

This refers to the NRC safety inspection conducted on October 12, 1984 at your landfill site in Morrisville, Pennsylvania of activities authorized by NRC License No. 37-20638-01. The report of the inspection was forwarded to you on November 7, 1984. During the inspection, five violations of NRC requirements were identified. On November 21, 1984, we held an enforcement conference with you and a member of your staff during which these violations, their causes, and your corrective actions were discussed.

The five violations are described in the enclosed Notice of Violation. One of the violations, which was identified by an NRC inspector, involved an unlocked and unattended licensed moisture density gauge containing two radioactive sources inside an unlocked truck at the landfill. This violation has been classified at Severity Level III in accordance with the NRC Enforcement Policy, 10 CFR Part 2, Appendix C, as revised, 49 FR 8583 (March 8, 1984). Although civil penalties are considered for Severity Level III violations, we have decided not to propose civil penalties in this case because of your prompt corrective actions, your responsiveness at the Enforcement Conference, the fact that the likelihood of unauthorized removal of the gauge was small, the threat to public health and safety was minimal and remote since access to the landfill was controlled, and the gauge was clearly labelled and not in an "attractive" form for theft. However, we will examine closely your corrective actions to ensure they are properly implemented, and we emphasize that any similar violations in the future may result in additional enforcement action.

You are required to respond to the enclosed Notice and, in preparing your response, you should follow the instructions specified in the Notice. In your response, you should confirm your commitment made at the enforcement conference to perform field audits periodically to verify compliance with NRC requirements, and you should also describe how these audits will be performed.

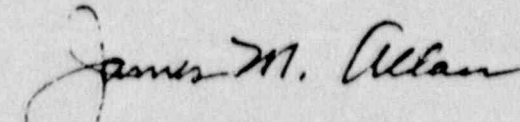
In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and the enclosure will be placed in the NRC's Public Document Room.

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A/H

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

Sincerely,

  
Thomas E. Murley  
Regional Administrator

Enclosure: Notice of Violation

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- C. Condition 12 of License No. 37-20638-01 requires that licensed material be used by, or under the supervision and in the physical presence of, named users.

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