



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I**
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PENNSYLVANIA 19406-2713

November 1, 2013

EA-13-184

John G. Tamburro
Vice President
Canberra Industries, Inc.
800 Research Parkway
Meriden, CT 06450

**SUBJECT: CANBERRA INDUSTRIES, INC. NOTICE OF VIOLATION - NRC INSPECTION
REPORT NO. 03008562/2013001**

Dear Mr. Tamburro:

This letter provides you the NRC enforcement decision for the two apparent violations identified during the onsite NRC inspection conducted on May 21-23, 2013, at Canberra Industries, Inc. (Canberra) in Meriden, Connecticut. The inspection consisted of observations of licensed activities, interviews with Canberra personnel, and examination of selective records to evaluate Canberra's licensed activities as they relate to radiation safety and to compliance with NRC regulations. In addition to the onsite review, the inspection also involved an in-office review of additional information provided by Canberra in subsequent telephone conversations and electronic messages regarding Canberra's proposed and completed corrective actions. Todd Jackson, Senior Health Physicist, NRC Region I Commercial and R&D Branch, discussed the apparent violations during a telephonic exit meeting with Douglas Bellfy and other members of your organization on July 31, 2013. The apparent violations were also described in the NRC inspection report sent to you with a letter dated September 16, 2013 (ML13260A434¹).

In the September 16, 2013, letter transmitting the inspection report, we provided you an opportunity to address the apparent violations identified in the report by either attending a pre-decisional enforcement conference (PEC) or by providing a written response before we made our final enforcement decision. In the letter, we also informed you that we had sufficient information regarding the apparent violations and Canberra's corrective actions to make an enforcement decision without the need for a PEC or a written response from you. In a letter dated October 1, 2013 (ML13277A339), you provided a response to the apparent violations in which you described some of the corrective steps taken and planned to prevent recurrence.

¹ Designation in parentheses refers to an Agency-wide Documents Access and Management System (ADAMS) accession number. Documents referenced in this letter are publicly-available using the accession number in ADAMS.

Based on the information developed during the inspection and the information that you provided in your response, the NRC has determined that two violations of NRC requirements occurred. The violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in detail in the subject inspection report.

The most significant violation involved Canberra not securing from unauthorized removal or access a 10 curie Americium-241/Beryllium source stored in the calibration room (a controlled area). Specifically, the inspector identified that, although the calibration room door was kept locked, the door to the outer room surrounding the calibration room was not maintained locked. The inspector also determined that there was an open and accessible pass-through window (measuring approximately 4' by 5') between the two rooms which could have permitted unauthorized access to the source. Although the source was stored inside a shielded drum, the drum was not secured to the floor, and the motorized device that is used to expose the source could have been operated by unauthorized individuals via an unlocked switch located in the outer room. No actual unauthorized removal of, or access to, the source occurred. However, the potential existed for this to have occurred. Accordingly, this violation has been categorized at Severity Level (SL) III.

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$3,500 is considered for a SL III violation. Because your facility has not been the subject of escalated enforcement action within either the last two years or the two most recent inspections, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy. The NRC has concluded that credit is warranted for Canberra's corrective actions taken to address the violations. Specifically, Canberra: (1) immediately locked the outer room door to control access; (2) installed a wire mesh barrier over the pass-through window opening; and (3) installed a locking mechanism on the source exposure switch to prevent unauthorized exposure of the source. Therefore, in recognition of the absence of previous escalated enforcement action, and to encourage prompt and comprehensive correction of violations, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty. In addition, issuance of this SL III violation constitutes an escalated enforcement action that may subject you to increased inspection effort.

One additional violation, also documented in the Notice, has been categorized in accordance with the NRC Enforcement Policy at SL IV. This violation involved Canberra possessing an amount of licensed material greater than the limit specified on its NRC license. Canberra submitted a license amendment request by letter dated June 25, 2013, to correct the possession limit, and an amended license was issued by the NRC on July 29, 2013. The circumstances surrounding this additional violation are documented in detail in the Notice as well as the aforementioned inspection report. The additional violation is being cited because it was identified by the NRC.

The NRC has concluded that information regarding: (1) the reasons for the violations; (2) the actions planned or already taken to correct the violations and prevent recurrence; and, (3) the date when full compliance was achieved, is already adequately addressed on the docket in Inspection Report No. 03008562/2013001, in your October 1, 2013, letter, and in this letter. Therefore, you are not required to respond to this letter unless the description therein 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 and its enclosure will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response, if you choose to provide one, should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such information, you must specifically identify the portions of your response that you seek to have withheld, and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). The NRC also includes significant enforcement actions on its Web site at (<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>).

Sincerely,

/RA/

William M. Dean
Regional Administrator

Docket No. 03008562
License No. 06-15099-01

Enclosure: Notice of Violation

cc w/enclosure:
Ronald Como, Radiation Safety Officer
State of Connecticut

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 and its enclosure will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response, if you choose to provide one, should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such information, you must specifically identify the portions of your response that you seek to have withheld, and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). The NRC also includes significant enforcement actions on its Web site at (<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>).

Sincerely,
/RA/
 William M. Dean
 Regional Administrator

Docket No. 03008562
 License No. 06-15099-01

Enclosure: Notice of Violation

cc w/enclosure:
 Ronald Como, Radiation Safety Officer
 State of Connecticut

Distribution: see next page

ML13308C272

DOCUMENT NAME: S:\Enf-allg\Enforcement\Proposed-Actions\Region1\Canberra NOV-III EA-13-184.docx

X SUNSI Review/ MMM		X Non-Sensitive □ Sensitive		X Publicly Available □ Non-Publicly Available	
OFFICE	RI/ORA	RI/DNMS	RI/DNMS	RI/ORA	RI/ORA
NAME	M McLaughlin/ MMM*	J Joustra/ JAJ	J Clifford/ JWC*	C Hair/ NLO via email	D Holody/ DJH*
DATE	10/08/13	10/08/13	10/17/13	10/18/13	10/21/13
OFFICE	OE**	RI/DNMS	RI/RA		
NAME	L Sreenivas via email	J Clifford/ JWC*	WDean		
DATE	10/25/13	10/30/13	11/01/2013		

* See previous concurrence page ** OE to perform a quick review
 OFFICIAL RECORD COPY

DISTRIBUTION w/encl:

ADAMS (PARS)

SECY

M Satorius, EDO

M Weber, DEDMRT

D Rich, OEDO

R Zimmerman, OE

N Hilton, OE

L Sreenivas, OE

N Hasan, OE

K Beckford, OE

B Holian, FSME

L. Dudes, FSME

P Henderson, FSME

M Burgess, FSME

R Sun, FSME

Enforcement Coordinators

RII, RIII, RIV (C Evans; S. Orth; H. Gepford)

C Scott, OGC

H Harrington, OPA

H Bell, OIG

C McCrary, OI

M Williams, OCFO

L Bates, OCFO

J Clifford, DNMS, RI

D Collins, DNMS, RI

J Joustra, DNMS, RI

T Jackson, DNMS, RI

D Screnci, PAO-RI / N Sheehan, PAO-RI

D Janda, SAO-RI / M. Ford, SAO-RI

D Holody, RI

M McLaughlin, RI

C Hair, Esq, RI

C Crisden, RI

D Bearde, RI

S Villar, RI

Region I OE Files (with concurrences)

NOTICE OF VIOLATION

Canberra Industries, Inc.
Meriden, Connecticut

Docket No. 03008562
License No. 06-15099-01
EA-13-184

During an NRC inspection conducted between May 21 and July 31, 2013 (which included an on-site inspection as well as an in-office review of information provided by Canberra Industries, Inc. (Canberra) regarding Canberra's proposed and completed corrective actions), for which an exit meeting was conducted on July 31, 2013, violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

I. ESCALATED VIOLATION

10 CFR 20.1801 requires that the licensee shall secure from unauthorized removal or access licensed materials that are stored in controlled or unrestricted areas.

Contrary to the above, from an undetermined date in approximately 2002 until May 23, 2013, Canberra did not secure from unauthorized access or removal licensed material stored in a controlled area. Specifically, Canberra stored a 10 curie americium-241/beryllium source in the calibration room (a controlled area) and although the door to the calibration room was locked, there was a pass-through window (measuring approximately 4' by 5') between the calibration room and an outer room that was open and accessible, and the door to the outer room was not maintained locked. Although the source was stored inside a shielded drum, the drum was not secured to the floor, and the motorized device that is used to expose the source could have been operated by unauthorized individuals via an unlocked switch located in the outer room.

This is a Severity Level III violation (Enforcement Policy Example 6.7)

II. NON-ESCALATED VIOLATION

NRC License No. 06-15099-01, Amendment 32, Condition 6.W limits possession of uranium-235 (U-235) by Canberra Industries, Inc. to 10.4 grams.

Contrary to the above, from March 24, 2013, through July 29, 2013, Canberra did not limit possession of U-235 to 10.4 grams. Specifically, on March 24, 2013, the NRC issued Canberra a renewed license (Amendment 32) which reduced the U-235 possession limit from 1000 grams to 10.4 grams to reflect the amount of U-235 the licensee believed to be contained in the licensee's New Brunswick Lab Model CRM 969 source set, when the source set actually contained 17.6 grams of U-235.

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

The NRC has concluded that information regarding: (1) the reason for the violations; (2) the actions planned or already taken to correct the violations and prevent recurrence; and, (3) the date when full compliance was achieved, is already adequately addressed on the docket in

Inspection Report No. 03008562/2013001, in the Canberra letter dated October 1, 2013, and in the letter transmitting this Notice. Therefore, you are not required to respond to this 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 EA-13-184," 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 I, 2100 Renaissance Boulevard, Suite 100, King of Prussia, PA 19406, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

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

Dated this 1st day of November, 2013