

Lester R. Rogers, Assistant Director
for Nuclear Materials Safety
Division of Licensing and Regulation
Donald E. Warner, Acting Assistant
Director for Materials
Division of Compliance

JAN 25 1961

COMPLETION OF ENFORCEMENT ACTION - ENGELHARD
INDUSTRIES, LICENSE NOS. SNM-185, 20-5216-1,
C-3719, and C-4237

CO:MDB

Reference is made to report of inspection on subject
licenses, which was transmitted to your Division by
NY on March 2, 1960.

Our files do not reflect any response to your letter
to the licensee dated November 21, 1960, which requested
reply within 30 days.

Please let us know whether enforcement action has been
completed in this case. NY will continue to defer
scheduling reinspection until informed that such action
has been completed.

Your cooperation is appreciated.

cc: R. W. Kirkman, NY

20-5216-1
70-139
40-768 40-3144

Engelhard Industries
Attleboro, Massachusetts

Attention: Mr. W. F. Mittendorf, General Manager

Gentlemen:

This refers to the inspection conducted on November 19, 1959, of your activities authorized under AEC Byproduct Material License No. 20-5216-1, and Source Material License Nos. C-3719 and C-4237, and Special Nuclear Material License No. SNM-185.

There were no items of noncompliance noted for License Nos. 20-5216-1 and C-4237. With respect to License Nos. C-3719 and SNM-185, it appears that certain of your activities were not conducted in full compliance with the requirements of the AEC's "Standards for Protection Against Radiation," Part 20, and "Control of Source Material", Part 40, Title 10, Code of Federal Regulations, in that:

1. Insufficient surveys were performed to determine compliance with the Commission's regulation 10 CFR 20, Sections 20.101, 20.102 and 20.103, as required by Section 20.201(b), "Surveys."
2. The entrance to the Fabrication Facility in which licensed materials are processed was not posted as required by Section 20.203(e), "Caution signs, labels and signals."
3. Licensed material containers in the vault areas and in the pickling areas were not labeled as required by Section 20.203(f)(1), (f)(2), and (f)(4), "Caution signs, labels and signals."
4. Records of air sample results were not maintained in the units specified in Section 20.201(b), as required by Section 20.401(c), "Records of surveys, radiation monitoring and disposal."

REGISTERED MAIL
RETURN RECEIPT REQUESTED

NOV 22 1959

N100
P. Flavin
PBK
cg

5. A total of 59,762 pounds of depleted source material was received when License No. C-3719 authorized receipt of only 10,000 pounds, in violation of Section 40.10, "Restriction on transfers."

With respect to Items 1 through 4, pursuant to the provisions of Section 2.201(a), "Notice of violation," of the AEC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, you are requested to notify this office, within thirty days of your receipt of this notice, of the steps taken or to be instituted to achieve correction of the alleged violations and the date when such correction has been or will be achieved.

In regard to Item 5, we note that following the inspection you obtained a Source Material License (No. C-5161) to cover the source material previously procured in excess of the specified limit in License No. C-3719. We further note that License No. C-4941 is superseded by License No. C-5161 which was issued on July 15, 1960, and authorizes receipt of 60,000 pounds of source material.

Enclosed is a sample sign containing the coloring, wording and symbol which meets the requirements of Section 20.203(e), (f)(1), and (f)(4). Signs more suitable for labeling and posting might be procured from a radioisotope supplier or a commercial sign company.

Very truly yours,

Lyall Johnson, Chief
Licensing Branch
Division of Licensing
and Regulation

Enclosures:

1. 10 CFR 2
2. 10 CFR 20
3. 10 CFR 40
4. Sign: "Caution - Radioactive Materials"

cc: Compliance Division, ~~Engelhard~~
Inspection Division, ~~Engelhard~~
Public Document Room

VNC 57 1000

SIGNED CONCURRENCE COPY IN FILE 40-768

DLR:RSS
CGW:LRM:LR

CO

RECEIVED
MADISON DIVISION
J. Johnson
L. Johnson

8-19-60

M. Kledia
J. Sears
sd
APR 7 1960

H. L. Price, Director
Division of Licensing and Regulation

Signed
by
P. A. Morris
Marvin M. Mann, Assistant Director for Compliance
Division of Inspection

AM

ENGELHARD INDUSTRIES, D. E. MAKEPEACE DIVISION, LICENSE NOS. SNM-185,
C-3719, C-4237 AND 20-5216-1

SYMBOL: INS:WEK

Attached herewith is a copy of a memorandum from the NY Inspection Division dated March 2, 1960, with regard to the inspection of subject licensee.

We concur with the recommendation of the NY Inspection Division that a letter be written requesting information as to the corrective action taken by the licensee.

Enclosure:
Copy memo, Kirkman to Morris, 3/2/60

cc: R. W. Kirkman, NY

NYCO INSPECTION DIVISION

APR 8 1960

RECEIVED

INS INS INS
WEKRIEGSMAN: gk LDLOW MMMANN
4/1/60

PKM Klevin
J Sears
2-26-60
sd

H. L. Price, Director
Division of Licensing and Regulation

Signed
by
FEB 24 1960

Marvin M. Mann, Assistant Director for Compliance
Division of Inspection *M. M. Mann*

ENGELHARD INDUSTRIES, LICENSE NOS. SMM-185, C-3719, C-1237 AND
20-5216-1

SYMBOL: INS:WEK

Attached herewith for your information is a copy of the report dated January 14, 1960, of the inspection of subject licensee, together with a copy of the transmittal memorandum from NY dated January 18, 1960.

We note in the report that management was not contacted in regard to the items of noncompliance. RI has advised us that they have been unable to contact Mr. Mittendorf, the General Manager of the licensed company. RI has advised us, however, that they hope to contact Mr. Mittendorf within the next few weeks and will send us a report on their discussion. Upon receipt of this report, we will forward it together with our comments and recommendations.

Enclosures:

- 1. Cpy memo, Kirkman to Mann, 1/18/60
- 2. Cpy Insp. Rpt., 1/14/60

cc: R. W. Kirkman, NY ✓

RECEIVED
FEB 24 1960

INS	INS	INS
WEKRIEGSMAN: gk	LILLOW	MMANN
2/19/60		

Name of Licensee: Engelhard Indestage Lic. Nos: SWPM 185
C-4237
6-3714
Date of Inspection: Nor. 19, 20 (DEM) 20-5216-1

DRAFT INITIALS, DATE, TIME

Dictated to Steno: ~~RTA~~ 12/25^{6:55}, 12-9, 12/14/59 PBL
Received from Steno: 12/14/59
Received by Sr. Reviewer: 12/14/59
Returned to Inspector: *
Passed to Steno for Final: 1/7/60 - p.m.

FINAL 1-11-60 - John Sears G.S. INITIALS, DATE, TIME

Received from Steno: 1/14/60
Received by Sr. Reviewer: 1/14/60
Received by Director: 1/14 PWS
Received by Secretary
for transmittal to Wash. 1/18/60 JG
Transmitted to Wash. 1/18/60 JG