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REGION 1



M. Rony François, M.D., M.S.P.H., Ph.D.
Secretary

2006 OCT -5 PM 12:33

Control Number: INS-06-0830-568

September 29, 2006

Martin Hoskins, RSO
HERCULES INCORPORATED
7510 Baymeadows Way
Jacksonville, FL 32256

RE: State of Florida Radioactive
Materials License Number 3386-1

Dear Mr. Hoskins:

On August 23, 2006, a member of our staff completed an investigation of the activities conducted under the above referenced radioactive materials license. This investigation revealed the following apparent violation of the state of Florida's "Control of Radiation Hazard Regulations," Chapter 64E-5, Florida Administrative Code (F.A.C.), and the terms and conditions of your radioactive materials license:

Paragraph 64E-5.215(2)(d), F.A.C., specifies that a licensee may transfer radioactive material to any person authorized to receive such material under terms of a general license or its equivalent, or a specific license or equivalent licensing document, issued by the Department, the U.S. Nuclear Regulatory Commission, an Agreement State, a Licensing State, or to any person otherwise authorized to receive such material by the Federal Government or any agency thereof, the Department, an Agreement State or a Licensing State.

During our investigation, it was determined that the licensee transferred radioactive material (AEA Technology model PHC.32, promethium 147, 4 millicurie sealed source) to persons not authorized to receive such material. It was determined that the recipient (Hercules Inc., 500 Hercules Road, Wilmington, DE 19808) was not licensed to receive the sealed source.

You are required to submit to this bureau, within 30 days of the date of this letter, a written reply to the alleged violation cited above. Your response must address at least the following:

1. Admission or denial of the alleged violation;
2. Reasons for the violation if admitted, and if denied the reasons why;
3. Corrective steps that have been taken and the results achieved, where applicable;
4. Corrective steps that will be taken to avoid further violations; and
5. The date when full compliance with Chapter 64E-5, F.A.C., and your license will be achieved.

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In accordance with subsection 64E-5.901(4), F.A.C., you are required to post this document within five working days after receipt. In addition, you are required to post your reply within five working days after dispatch. Such documents shall remain posted for a minimum of five working days or until actions correcting the violation have been completed, whichever is later.

To identify your reply, be sure to include the license number 3386-1 and the control number INS-06-0830-568. Please call us at (850) 245-4545 if you have any questions. Additional bureau resources including regulatory guides, forms, regulations and information notices may be accessed on our Web site at www.doh.state.fl.us/environment/radiation.

Sincerely,

**ORIGINAL SIGNED BY:
JOSEPH E. MAJOR**

Joseph E. Major
Environmental Specialist

cc: Duncan White
US NRC Region I
475 Allendale Road
King of Prussia, PA 19406-1415

Jacksonville Field Office