

December 12, 1996

MEMORANDUM TO: Donald A. Cool, Director
Division of Industrial and
Medical Nuclear Safety, NMSS

FROM: Charles W. Hehl, Director (Original Signed By)
Division of Nuclear Materials Safety

SUBJECT: ACTION PLAN FOR PENDING RENEWALS WITH NON-
COMPLIANCE OR OTHER SIGNIFICANT ISSUES

Your November 4, 1996 memorandum, same subject, requested that we review our pending renewals with non-compliance or other significant issues and develop an action plan with associated milestones and actions for these licensees to come into full compliance with the current regulations and license conditions and allow completion of the licensing actions. Your memorandum requested a status report of these actions by December 15, 1996, and monthly thereafter by the 15th of the month, until the licensee has met all commitments and the actions can be closed out.

The Permagrain Products and Nuclear Metals renewals are the only renewals that involve non-compliance.

The Permagrain Products renewal is the subject of a TAR involving the licensee's request for an exception from the limit on pool conductivity. Our discussions with your staff indicate that the TAR response will specify the conditions under which this exception may be granted and will be issued shortly. We will provide these conditions to the licensee and anticipate that the license renewal will be issued shortly after the licensee agrees to these conditions, most of which the licensee has already indicated its agreement.

The Nuclear Metals renewals continue to be delayed by the issue of financial assurance. As we have discussed, the enforcement action on this issue is pending.

Attached is an update of the status report that was attached to your memorandum as well as tables describing the status of all of our pending renewals that are older than 180 days.

Attachments: As stated

cc w/o attachments:
P. Holahan, NMSS
B. Mallett, RII
C. Pederson, RIII
R. Scarano, RIV
L. Camper, NMSS

9612260311 961212
NMSS LIC30
37-17860-01 CF

A-R7

DOCUMENT NAME: G:\AI\DNMS96.85

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	RI/DNMS	RI/NMSS	RI/DNMS	RI/DNMS	RI/DNMS
NAME	Costello	Shanbaky	Kinneman	Johansen	Bellamy
DATE	s/12/13/96	12/ /96	s/12/12/96	s/12/12/96	s/12/12/96

OFFICIAL RECORD COPY

LICENSEE NAME	LICENSE NUMBER	NON-COMPLIANCE OR OTHER ISSUES DELAYING LICENSE RENEWAL COMPLETION	STATUS
Nuclear Metals Inc.	SMB-179	Non-compliance issue associated with financial assurance.	Order suspending license in concurrence
Nuclear Metals Inc.	SUB-1452	Non-compliance issue associated with financial assurance.	Order suspending license in concurrence
Permagrain Products	37-17860-01	Non-compliance issue re pool water conductivity Licensee-requested exception is under review.	Region I is awaiting response to TAR
HHS, NIH	19-00296-10	Financial assurance	Awaiting licensee response to deficiency letter
Dr. Sadofsky	31-28369-01	Dose limits - implanting seeds in horses	Ongoing enforcement action; license will be terminated when enforcement action is complete
Dr. Bortolot	06-17253-01	Distributing device into which customers insert a sealed source without Certificate of Registration. He does not distribute the sealed sources.	Region I is awaiting response to TAR
Bethlehem Steel	37-01861-03	Awaiting sealed source/device review	Region I is awaiting response to TAR
Safety Light	37-00030-09G	Awaiting sealed source/device review	Region I is awaiting response to TAR
Safety Light	37-00030-10G	Awaiting sealed source/device review	Review completed; license renewal issued
(RI)		17 others received prior to 7/1/95; Westinghouse-Bloomfield, Schott Glass, and Ponson Metals will be terminated	Region I continues to work toward completion of these renewals

LICENSEE	RECEIPT	REVIEWER RESP SECTION	STATUS
37-00467-34 now Medical College of PA & Hahnemann (Allegheny)	6/30/92 (request for the renewal of the broad license as a limited medical license received 2/13/96)	Lodhi	<p>Transferred from Beardsley on 6/8/95</p> <p>Deficiency letter in preparation (7/27/95)</p> <p>Awaiting response to 8/1/95 deficiency letter (8/3/95)</p> <p>Reviewing deficiency response received on 8/17/95 (8/31/95)</p> <p>Will resubmit in entirety by 2/2/96</p> <p>Delays by licensee.</p> <p>Deficiency response received 6/10/96.</p> <p>Additional deficiency letter issued 7/29/96.</p> <p>Letter to licensee sent 9/29 & Teleconv. to Management to finalize their response to our def. ltrs.</p> <p>Action Completed 11/27/96</p>
19-00296-10 National Institutes of Health	Response to TAR	Thompson	<p>TAR received from HQ. Deficiency letter will be prepared to address issues in TAR response and will include Financial Assurance deficiencies transmitted from HQ Def. Ltr sent 12/9 with questions re F/A</p>

Renewals Older than 365 days

LICENSEE	RECEIPT	REVIEWER	STATUS
<p>Bortolot, Victor (06-17253-01)</p>	<p>03/23/92 116381</p>	<p>Ulrich</p>	<p>Source and Device TAR 04/26/94.</p> <p>Telephone request from SSD to RI for additional information 10/3/96, 10/9/96.</p> <p>Discussed with NMSS 12/10/96. Still considering issues.</p>
<p>Osram Sylvania, Inc. (STB-281, 04000185)</p>	<p>10/27/92 117348</p>	<p>Arredondo (Branch 3)</p>	<p>Excepted - Licensee prepared major revisions to application due to CAL.</p> <p>Telephone deficiency 11/95.</p> <p>Response expected 02/15/96. (01/18/96)</p> <p>TAR received 01/13/96 to be combined with renewal.</p> <p>Deficiency letter sent 03/26/96.</p> <p>Response received 04/19/96. Significant deficiencies will require additional submission. Telephone deficiency 05/31/96. Deficiency letter if no response by 06/30/96. Deficiency letter issued 07/03/96.</p> <p>Met with licensee September 3, 1996 to discuss denial of increased DAC request and improvements needed in application. Licensee promised improved application by 09/30/96.</p> <p>Response received 09/24/96.</p> <p>Single deficiency and DAC issue remain. Letter in draft. Will consult with NMSS on DAC.</p> <p>Discussed with NMSS 12/10/96 .</p> <p>Letter to licensee 12/12/96.</p>

Renewals Older than 365 days

LICENSEE	RECEIPT	REVIEWER	STATUS
<p>Rutgers University (29-05218-28)</p>	<p>12/22/94 120982</p>	<p>Henderson</p>	<p>Reassigned to Henderson 11/10/95. Review complete. Deficiency letter 06/17/96.</p> <p>Licensing meeting 08/13/96. Licensee requested until 09/30/96 to respond.</p> <p>Response received 10/03/96.</p> <p>Deficiency letter 10/23/96.</p> <p>Met with licensee 12/11/96. Final response promised by 12/20/96.</p>
<p>Rutgers University (SNM-314) (07000343)</p>	<p>12/22/94 120983</p>	<p>Henderson</p>	<p>Reassigned to Henderson 11/10/95. Review complete. Deficiency letter 06/17/96.</p> <p>Licensing meeting 08/13/96. Licensee requested until 09/30/96 to respond.</p> <p>Response received 10/03/96.</p> <p>Deficiency letter 10/23/96.</p> <p>Met with licensee 12/11/96. Final response promised by 12/20/96.</p>

Renewals Older than 365 days

LICENSEE	RECEIPT	REVIEWER	STATUS
Massachusetts Institute of Tech (20-01537-02)	01/04/95 121056	Lanzisera	<p>Deficiency letter prepared. Held for completion of enforcement action.</p> <p>Major revisions. (05/10/96)</p> <p>Issued deficiency letter 06/19/96. Licensee requested until 09/30/96 to respond.</p> <p>Response received 8/26/96. Review in progress; DFP not included in response so deficiency will be written.</p> <p>Deficiency letter sent 10/21/96.</p> <p>Response received 11/25/96.</p>
Sadovsky, Roy (DVM) (31-28369-01)	01/30/95 121214	Reber (Branch 3)	<p>Telephone deficiency 02/01/96. Threat to abandon letter 03/29/96.</p> <p>Response received 04/12/96 in review. Deficiency letter issued 07/05/96. Discussions with licensee in late July indicate he is preparing a response.</p> <p>Enforcement for 09/05/96 inspection is pending.</p>
Army (29-00047-02)	05/24/95 121825	McFadden	<p>Deficiency letter in draft 06/13/96.</p> <p>Deficiency letter issued 06/19/96. Licensee requested until 09/27/96 to respond.</p> <p>Response received 9/23/96.</p> <p>Telephone deficiency 11/05/96.</p> <p>Response received 11/25/96.</p>

Renewals Older than 365 days

LICENSEE	RECEIPT	REVIEWER	STATUS
<p>Harvard Univ (20-00297-53)</p>	<p>05/30/95 121856</p>	<p>Lohdi</p>	<p>Deficiency letter prepared, second reviewed and revised. (06/13/96)</p> <p>Deficiency letter issued 07/11/96.</p> <p>Licensing meeting 08/07/96. Expect complete re-submission of application by 10/7/96.</p> <p>Licensee requested until 11/30/96 to respond due to legal review.</p> <p>Response received 11/27/96.</p>
<p>Hercules Inc. (07-00222-02)</p>	<p>05/30/95 121853</p>	<p>Gibson</p>	<p>Actually a termination. Asbestos remediation has prevented access to the contaminated area. Inspection 10/18/96. Waiting for licensee to complete final report and dispose of waste. Expected by 12/31/96, but may need storage only licensee because of mixed waste.</p>
<p>Penn State U (37-00185-04)</p>	<p>06/01/95 121882</p>	<p>Lanzisera</p>	<p>Complete resubmission requested 02/14/96. Licensee has promised by 06/30/96.</p> <p>Resubmission received 07/01/96.</p> <p>Major deficiency letter required. Reviewer will meet with licensee in January.</p>
<p>Teledyne Isotopes (29-00055-06)</p>	<p>06/01/95 121885</p>	<p>McFadden</p>	<p>Deficiency letter issued 06/19/96.</p> <p>Licensee requested until 09/30/96 to respond.</p> <p>Licensee requested until 11/30/96 to respond because of major changes to procedures.</p>

LICENSEE	CONTROL NUMBER	RECEIPT	REVIEWER	STATUS
<p>Permagrain Products (37-17860-01)</p>	<p>116919</p>	<p>2/8/84</p>	<p>White</p>	<p>Excepted - Awaiting response to 3/2/95 deficiency letter</p> <p>Meeting planned on 1/18/95 with licensee to discuss outstanding issues (12/14/95)</p> <p>Deficiency response expected by 2/27/96 (2/2/96)</p> <p>Deficiency response expected by 3/21/96 (3/11/96)</p> <p>Reviewing deficiency response received on 4/1/96 (4/9/96)</p> <p>Awaiting response to 5/7/96 TAR to NMSS (5/9/96)</p> <p>NMSS will accompany Region I inspection in September to help resolve TAR (9/12/96)</p> <p>NMSS colled samples and information for conductivity TAR at 9/20/96 inspection (10/11/96)</p>
<p>Department of the Army, Fort Detrick Maryland (19-01151-02)</p>	<p>105102</p>	<p>2/26/86</p>	<p>McGrath</p>	<p>Excepted - Awaiting resolution of sludge disposal issue; may require an EA</p> <p>Licensing visit planned for January 30, 1996 to discuss outstanding issues</p> <p>Licensee response to issues discussed during meeting expected by end of February 1996</p> <p>Licensee response expected by 3/22/96 (3/11/96)</p> <p>Management meeting planned by 4/25/96 (4/9/96)</p> <p>Awaiting response to 5/8/96 TAR to NMSS (5/9/96)</p> <p>TAR response received on 10/3/96. Awaiting response to deficiency letter dated 10/10/96 (10/11/96)</p>

LICENSEE	CONTROL NUMBER	RECEIPT	REVIEWER	STATUS
Safety Light (37-00030-09G)	109601	9/21/88	Ulrich	<p>Excepted - Awaiting source/device review</p> <p>Partial review received; awaiting complete review (11/13/96)</p>
Alaron Corporation (37-20626-01)	113132	7/31/90	McGrath	<p>Excepted - Requires EA Transferred from Courtemanche in December 1995; being coordinated with NMSS</p> <p>NMSS is preparing proposal for contractor to perform EA (3/18/96)</p> <p>NMSS is awaiting response to proposal sent to contractor in May 1996 (6/14/96)</p> <p>Reviewed statement of work from contractor; awaiting response from contractor (8/14/96)</p> <p>Meeting with contractor held on 9/26/96</p>
Bethlehem Steel Corporation (37-01861-03)	120195	8/2/94	Arredondo	<p>Excepted - Awaiting custom source/device review</p>
Alaron Corporation (37-20826-01)	120363	8/31/94	McGrath	<p>Excepted - Requires EA Transferred from Bhalla in December 1995; being coordinated with NMSS</p> <p>NMSS is preparing proposal for contractor to perform EA (3/18/96)</p> <p>NMSS is awaiting response to proposal sent to contractor in May 1996 (6/14/96)</p> <p>Reviewed statement of work from contractor; awaiting response from contractor (8/14/96)</p> <p>Meeting with contractor held on 9/26/96</p>

Renewals Older than 365 days

LICENSEE	RECEIPT	REVIEWER	STATUS
Westinghouse Electric Corporation Waltz Mill	9/30/87	Roberts	Needed re-submittal due to recent changes in licensee plans - eliminate laundry and waste handling activities. Meeting held at site Jan 24-25, 1996. Re-submittal received, under active review. Deficiency letter sent Nov 4. Response just received and under review.
Westinghouse Electric Corporation Bloomfield	12/27/93	Roberts	Will not renew. Administrative action only. TAR in NMSS to leave buried pipe in place, response due 12/31.
Ronson Metals	1/6/95	Shaffer	Will renew for decommissioning only once Decommissioning plan is acceptable.
Nuclear Metals, Inc.	2/28/90	Shaffer	Deficiency letter sent March 1. Licensing visit April 2-3. Deficiency letter sent July 31. Response received Sept 10, and resolves all issues except financial assurance. Financial Assurance response under review. Meeting with Army held Nov 7.
Nuclear Metals	5/1/89	Shaffer	same
Schott Glass	1/30/95	Miller	Will not renew due to remediation efforts, which are expected to be complete December 1996. Administrative action only.
Heritage Minerals	11/9/95	Miller	Awaits licensee plans for decommissioning so that financial assurance can be determined