



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

April 3, 2012

Docket No. 99990001

License No. 99-99999-01

Michael P. Speciale
Executive Director
New England Air Museum
Bradley International Airport
36 Perimeter Road
Windsor Locks, CT 06096

**SUBJECT: NRC INSPECTION NO. 99990001/2012001, NEW ENGLAND AIR MUSEUM,
BRADLEY INTERNATIONAL AIRPORT, WINDSOR LOCKS, CONNECTICUT
AND NOTICE OF VIOLATION**

Dear Mr. Speciale:

On January 10, 2012, Todd Jackson of this office conducted a safety inspection at the above address of activities authorized by the general license described in Title 10 of the Code of Federal Regulations, Chapter 31, Section 12. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations. The inspection consisted of observations by the inspector and interviews with personnel. The findings of the inspection were discussed with you at the conclusion of the inspection on March 15, 2012.

During the inspection we confirmed that you possess luminous products containing radium-226 that are covered by the general license described in 10 CFR 31.12, "General license for certain items and self-luminous products containing radium-226." We also learned that you own contaminated and possibly leaking or damaged products containing radium-226, stored in the spare parts warehouse near the New England Air Museum (NEAM).

You were informed during the inspection that the regulation of radium-226 was transferred to the NRC from the State of Connecticut. This change occurred with the enactment of the Energy Policy Act of 2005 (Act), and the NRC regulations resulting from the Act, which became effective on August 7, 2009. You indicated that the NEAM was unaware that the NRC had jurisdiction and an NRC general license applied to the products containing radium-226 possessed by the NEAM. You also indicated that it was not until November 2010 that the NEAM became aware that it possessed luminous products containing radium-226.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that two Severity Level IV violations of NRC requirements occurred at the NEAM. The violations involved: 1) the failure to properly dispose of products containing radium-226, and 2) failure to notify the NRC when you became aware of the presence of indications of possible damage to, and loss of radioactive material from, some luminous products containing radium-226.

The violations are cited in the enclosed Notice of Violation (Notice), because the violations were identified by the NRC.

During the inspection you committed to determine which aircraft or vehicles at the NEAM have products containing radium-226 installed in them (reference 10 CFR 31.12(a)(3)). You also committed to conduct a detailed inventory of each product containing radium-226 which is not installed in an aircraft or other vehicle. Additionally, we understand that the Connecticut Department of Energy and Environmental Protection, Bureau of Air Management, Radiation Division, has agreed to assist the NEAM to characterize how many products containing radium-226 are stored in the spare parts warehouse to determine whether you will meet the NRC requirements for possession of this material under a general license.

During the inspection exit teleconference on March 15, 2012, you confirmed that you have taken corrective and preventative actions to address each violation and that the New England Air Museum is committed to radiation safety and to compliance with NRC regulations. You stated that you understand that in the future, should the NEAM want authorization to possess byproduct material that is not authorized by the general license provisions in 10 CFR 31.12, the NEAM must submit a license application to the NRC and receive authorization prior to acquiring the licensed material.

Further, you stated that you have taken the following corrective and preventative actions. Following identification of the radioactive luminous products sent for recycling in November 2010 and the return of the items to the NEAM, these products were securely stored pending proper disposal. Assistance was provided by the State of Connecticut to assure that luminous products displayed in the museum were safe. At that time you became aware of the requirement to properly dispose of products containing radium-226, and have complied with 10 CFR 31.12(c)(4) since December 1, 2010. Since that date the NEAM has not disposed of products containing radium-226 and will assure that all products subject to NRC regulations are properly disposed in the future.

Additionally, on January 10, 2012, you became aware of the reporting requirement for products with indications of possible damage when informed of the requirement by the NRC, and committed to comply with this and other requirements contained in 10 CFR 31.12 in the future. On January 10, 2012, you provided available information regarding the known status of luminous products owned by the NEAM, and agreed to allow the Connecticut Department of Energy and Environmental Protection to assist in determining the condition of products in the spare parts warehouse.

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed. Therefore, you are not required to respond to this letter unless the description of your corrective actions in this letter 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, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. To

the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

Please contact Todd Jackson at 610-337-5308 if you have any questions regarding this matter.

Sincerely,

Original signed by Judith A. Joustra

Judith A. Joustra, Chief
Commercial and R&D Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
Dr. Edward Wilds, State of Connecticut

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Sincerely,

Original signed by Judith A. Joustra

Judith A. Joustra, Chief
Commercial and R&D Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
Dr. Edward Wilds, State of Connecticut

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NOTICE OF VIOLATION

The New England Air Museum
Windsor Locks, CT

Docket No. 99990001
General Licensee

During an NRC inspection conducted January 10 – March 15, 2012, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 31.12(c)(4) requires any person subject to the general license in 31.12(a) shall dispose of products containing radium-226 at an authorized disposal facility or transfer it to an authorized person authorized to receive it by a specific license issued by NRC under 10 CFR part 30 or equivalent Agreement State regulation.

Contrary to the above, two products containing radium-226 were transferred to persons not authorized to receive them. Specifically, in November 2010, the New England Air Museum transferred two luminous products containing radium-226 to a metal recycling facility in Massachusetts that was not authorized or licensed to dispose of this material.

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

- B. 10 CFR 31.12(c)(1) requires that any person who acquires, receives, possesses, uses, or transfers byproduct material in accordance with the general license in 10 CFR 31.12(a) shall notify the NRC should there be any indication of possible damage to the product so that it appears it could result in a loss of the radioactive material.

Contrary to the above, the NRC was not notified when products subject to the general license in 10 CFR 31.12(a) were determined to have indication of possible damage to the products so that it appeared it could result in a loss of the radioactive material. Specifically, on November 30, 2010, the NRC was not notified when luminous products containing radium-226 sent for disposal and others stored in the spare parts warehouse were found to be externally contaminated, indicating possible damage to the products.

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

The NRC has concluded that information regarding the reasons for the violations, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed based on information you provided during our inspection on January 10, 2012, and the exit telephone conference on March 15, 2012, as documented in our accompanying letter. 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," 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, 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

Notice of Violation
New England Air Museum

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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.

Dated This 3 day of April 2012