



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

December 4, 2012

Docket No. 03010638

License No. 10-01425-16

Lisa L. Bosserman  
Manager, Environmental, Safety and Health  
Lockheed Martin Aeronautical Company - Marietta  
Department RE4M  
86 Cobb Drive  
Marietta, GA 30063-0446

SUBJECT: NRC INSPECTION REPORT NO. 03010638/2012001, LOCKHEED MARTIN  
AERONAUTICAL COMPANY - MARIETTA, MARIETTA, GEORGIA SITE AND  
NOTICE OF VIOLATION

Dear Ms. Bosserman:

On November 6, 2012, Dennis Lawyer of this office conducted a safety inspection at the above address of activities authorized by the above listed NRC license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selective examination of representative records. The findings of the inspection were discussed with Neale A. Parkinson and you at the conclusion of the inspection.

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. The violations involved: 1) the failure to license a plutonium beryllium source and 2) the failure to leak test the six plutonium sources in storage.

The first violation in the enclosed Notice of Violation (Notice), which you identified and subsequently corrected by requesting in your application dated August 31, 2012, the material be added to your license, is cited per the NRC Enforcement Policy section 2.3.2.b.1 footnote 3, because it occurred and continued for approximately 37 years, and because there had been prior opportunities to identify and correct the violation. The second violation is cited in the enclosed Notice, because the violation was identified by the NRC. As part of the corrective action, the inspector observed you taking a leak test of the six plutonium sources during the inspection to be compliant with the leak test requirement.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), 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](http://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](http://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).

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

Please contact Dennis Lawyer at 610-337-5366 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:  
Neale A. Parkinson, Radiation Safety Officer  
State of Georgia

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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:  
Neale A. Parkinson, Radiation Safety Officer  
State of Georgia

Distribution:  
D. J. Holody, RI

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## **NOTICE OF VIOLATION**

Lockheed Martin Aeronautical Company - Marietta  
Marietta, GA

Docket No. 03010638  
License No. 10-01425-16

During an NRC inspection conducted on November 6, 2012, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 30.3 requires, in part, that except for persons exempted, no person shall possess or use byproduct material except as authorized by a specific or general license issued pursuant to Title 10, Chapter 1, Code of Federal Regulations.

Contrary to the above, between August 14, 1974 through November 6, 2011, Lockheed Martin Aeronautical Company – Marietta possessed a 1 curie plutonium beryllium source not authorized by a specific or general license.

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

- B. Condition 15. of License No. 10-01425-16 requires, in part, that no sealed source shall be stored for a period of more than 10 years without being tested for leakage and/or contamination.

Contrary to the above, as of November 6, 2012, the licensee stored 6 sealed sources containing a total of 90 milligrams or 5.7 millicuries of plutonium 239 for a period of more than 10 years without being tested for leakage and/or contamination.

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

Pursuant to the provisions of 10 CFR 2.201, Lockheed Martin Aeronautical Company - Marietta is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response.

If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response

Notice of Violation 2  
Lockheed Martin Aeronautical Company - Marietta

which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

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

Dated This 4th day of December 2012