



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

OCA

IR-10

Fuel Cycle
Administration

SEP 19 1978

The Honorable Clifford P. Case
United States Senate
Washington, D. C. 20510

Dear Senator Case:

In accordance with your request of August 22, 1978 I am pleased to submit this report on the matters raised by Dr. Martin Welt in his letter to you of June 23, 1978. As we understand it, Dr. Welt is principally concerned with a monetary claim his company Radiation Technology, Inc., has made against this Commission. Dr. Welt has also expressed concern about a staff filing in a currently pending civil penalty case and the possibility of an "interagency conspiracy".

The monetary claim involves damages allegedly sustained in the amount of \$43,001.66 as a result of the suspension by NRC of the license of Radiation Technology, Inc. This claim was denied for the reasons given in my June 20, 1978 letter, a copy of which was previously furnished to you. Subsequent to Dr. Welt's letter to you of June 23, 1978, he filed a petition for reconsideration of the decision denying his claim. That petition for reconsideration was itself denied for reasons given in my July 27, 1978 letter, a copy of which was also previously sent to you. If he remains dissatisfied with the decision concerning his claim, Dr. Welt may file a suit in the appropriate U.S. District Court under 10 CFR 14.10 of the Commission's regulations and the Federal Torts Claim Act.

The staff filing in the pending civil penalty litigation was in response to a motion filed by Dr. Welt in that proceeding. While we disagree with Dr. Welt's characterization concerning this matter, we do not believe it is appropriate to comment further on it as this matter is now pending before the Administrative Law Judge.

The final item of concern relates to an inspection conducted of Dr. Welt's company in April. A series of apparent noncompliances arose out of the April inspection. One of the items of apparent noncompliance involved an individual who was an unauthorized user of radioactive material. Under the license held by Radiation Technology, Inc. all users

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of radioactive material must be authorized by specific license provision. In this case the response to Dr. Welt's request to incorporate a specific individual in the license as an authorized user was not acted upon in a timely fashion, purely through oversight. We emphasize that Dr. Welt had apparently allowed this individual to use radioactive material without the proper authorization and that, while it is the responsibility of the NRC to make a timely response to any request, it remains the responsibility of each licensee to assure that he is operating within the terms and conditions of his license. However, because of the unusual delay in processing the application and since the request was approved as submitted, this item will not be made a part of the inspection history of Radiation Technology, Inc.

Sincerely,

(Signed)

William J. Dircks
Deputy Executive Director
for Operations

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