

Avco Research Laboratory **TEXTRON**

Avco Research Laboratory, inc./
Subsidiary of Textron Inc.

2385 Revere Beach Parkway
Everett, Massachusetts 02149
617/389-3000

September 15, 1989

United States
Nuclear Regulatory Commission
Region I
475 Allendale Road
King of Prussia, Pennsylvania 19406
RE: August 28, 1989 Letter

Gentlemen:

Avco Research Laboratory, Textron (ARL) did not knowingly intend to violate any NRC requirement with regards to its materials license SNM-1308 issued on December 29, 1989. The violations cited in your August 28, 1989 letter were primarily the result of two factors: (1) changing personnel involved with the license and (2) confusion and misinformation in regards to a disposal transaction.

In accordance with the intent of the license, ARL disposed of the nuclear material specified in the license on October 27, 1987 to U.S. Ecology, Inc., which was approximately two months prior to the issuance of the most recent license. The transaction was reported on an NRC Form 741 and ARL was told by U.S. Ecology that the appropriate paperwork would be completed and submitted to the NRC.

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Part of the confusion can be attributed to the fact that the disposal transaction was initiated and completed by different employees. The disposal transaction took place during a transitional period between Radiation Safety Officers. The transaction was initiated by R. Schlier, RSO, and D. Olson, Safety Engineer, and completed by R. Fabrizio, RSO, shortly after being hired by ARL. R. Fabrizio amended the license in order to become Radiation Safety Officer shortly after being hired. However, the disposal transaction took place in the same time frame.

After our nuclear material was disposed of, ARL assumed that the NRC was fully aware of the transaction and that the materials license would become void. Mr. C. Shreder was not instructed to amend the materials license when he was initially hired for the same reason.


After the NRC's Safety Inspection on June 6, 1989, Mr. C. Shreder notified me that there were problems associated with the license and the transaction.

The first corrective step taken by ARL was to send Mr. C. T. Oberg copies of the transaction report along with other associated paperwork which documented the transaction. The second corrective step taken by ARL was to have Mr. Shreder send the NRC an amendment letter stating his qualifications.

The NRC has since notified ARL (9/6/89 phone conversation with John Jenson) that it would be impractical to amend our materials license, since it was a "store to dispose" license. Therefore, Avco Research Laboratory, Textron has decided to properly terminate its materials license.

To prevent any additional problems associated with this license, Mr. Shreder and myself have reviewed the materials license requirements and will review other pertinent NRC federal regulations to ensure that we properly terminate our license.

If you have any questions, please feel free to contact me at (617) 381-4346.



William Kacher
V.P. Industrial Resources

WK/dm
0776J



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

AUG 28 1989

Docket No. 070-01334

License no. SNM-1308

Avco Research Laboratory, TEXTRON
ATTN: Mr. William Kacher, Vice President
Quality and Industrial Resources
2385 Rever Beach Parkway
Everett, Massachusetts 02149

Gentlemen:

Subject: Routine Inspection No. 070-01334/89-001

On June 6, 1989, C. T. Oberg of this office conducted a routine 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 Mr. Carl Shreder at the conclusion of the inspection. This also refers to the telephone conversation on June 10 and 13, 1989 between Mr. C. Shreder and Mr. C. T. Oberg.

Based on the results of this inspection, it appears that your activities were not conducted in full compliance with NRC requirements. A Notice of Violation is enclosed as Appendix A and categorizes each violation by severity level in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (Enforcement Policy). You are required to respond to this letter and in preparing your response, you should follow the instructions in Appendix A.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and your reply will be placed in the Public Document Room.

The responses directed by this letter and the accompanying Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

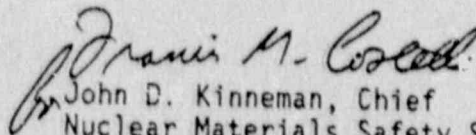
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Avco Research Laboratory, TEXTRON

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Your cooperation with us is appreciated.

Sincerely,



John D. Kinneman, Chief
Nuclear Materials Safety Section B
Division of Radiation Safety
and Safeguards

Enclosure:
Appendix A, Notice of Violation

cc:
Public Document Room (PDR)
Nuclear Safety Information Center (NSIC)
Commonwealth of Massachusetts
Mr. C. Shreder, Radiation Safety Officer

APPENDIX A

NOTICE OF VIOLATION

Avco Research Laboratory, TEXTRON
Everett, Massachusetts 02149

Docket No. 070-D1334
License No. SNM-1308

As a result of the inspection conducted on June 6, 1989, and in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (Enforcement Policy) (1988), the following violations were identified:

- A. License Condition 11.B. of License No. SNM-1308 requires a named individual to be the Radiation Safety Officer (RSO) for this license.

Contrary to the above, on or about September 1, 1988, the individual identified as the RSO terminated his duties with the licensee. The licensee failed to amend the license to include the identity and qualifications of the new individual appointed to the position of RSO.

This is a Severity Level IV violation. (Supplement VI)

- B. License Condition 13 of License No. SNM-1308 requires that on March 1, 1987, and annually thereafter until the license is amended or terminated, the licensee file a report detailing the status of its plans and efforts to dispose of the Special Nuclear Material (SNM) authorized for storage by this license.

Contrary to the above, since February 1987, the licensee has not filed an annual SNM status report.

This is a Severity Level V violation. (Supplement VI)

Pursuant to the provisions of 10 CFR 2.201, Avco Research Laboratory, TEXTRON, is hereby required to submit to this office within thirty days of the date of the letter which transmitted this Notice, a written statement or explanation in reply including: (1) the corrective steps which have been taken and the results achieved; (2) corrective steps which will be taken to avoid further violations; and (3) the date when full compliance will be achieved. Where good cause is shown, consideration will be given to extending this response time.

~~8969060301 (4)~~

Suzanne



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

AUG 28 1989

Docket No. 070-01334

License No. SNM-1308

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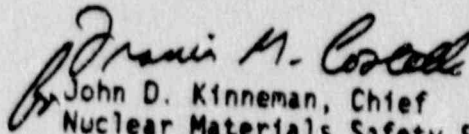
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~~8909060299 (sup)~~

Your cooperation with us is appreciated.

Sincerely,



John D. Kinneman, Chief
Nuclear Materials Safety Section B
Division of Radiation Safety
and Safeguards

Enclosure:
Appendix A, Notice of Violation

cc:
Public Document Room (PDR)
Nuclear Safety Information Center (NSIC)
Commonwealth of Massachusetts
Mr. C. Shreder, Radiation Safety Officer

bcc:
Region I Docket Room (w/concurrences)
Management Assistant, DRMA
C. T. Oberg, RI

APPENDIX A

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Everett, Massachusetts 02149

Docket No. 070-01334
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