

# BIOCONTROL TECHNOLOGY, INC.

May 4, 1994

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U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, D.C. 20555

Subject: Reply to a Notice of Violation  
License No. SNM-1319  
Docket No. 070-01342

To Whom It May Concern:

This letter is in response to the Notice Of Violation dated April 26, 1994, regarding a violation identified by Eric H. Reber during a routine safety inspection of Biocontrol Technology Inc. (Biocontrol) on March 30, 1994. Specifically, that Biocontrol is not authorized by our NRC license to possess 24 Hittman Atomcell isotopic batteries, a violation of 10 CFR 70.3.

Biocontrol (then Coratomic Inc.) received 24 Hittman Atomcell isotopic batteries on May 5, 1983 from Hittman Nuclear Development Corporation. At the time, Biocontrol was still manufacturing isotopic powered pacemakers, and wished to evaluate the Hittman Atomcell and its technology for possible inclusion in Biocontrol's isotopic pacemaker line. The Hittman Atomcell was found to be larger in size and less powerful than Biocontrol's isotopic battery, and therefore the Hittman Atomcell battery was never used in Biocontrol's isotopic pacemakers.

Items 6A, 7A and 8A of Biocontrol's SNM-1319 license describe the Biocontrol Pu-238 sealed source plutonium batteries (not to exceed 250 mg of Pu-238) which Biocontrol is licensed to possess. It is the opinion of Biocontrol that Hittman Atomcell batteries are covered by items 6A, 7A and 8A, since Hittman Atomcell batteries are Pu-238 sealed source plutonium batteries with 150 mg of Pu-238. However, because Hittman Atomcell batteries were never used in Biocontrol's isotopic pacemakers, Authorized Use (Item 9) of Biocontrol's NRC license must be amended to include storage of Hittman Atomcell batteries. A request to amend Biocontrol's NRC license will be submitted.

This violation occurred because Biocontrol did not carefully review the terms and conditions of our NRC license after the decision was made not to include Hittman Atomcell batteries in Biocontrol isotopic powered pacemakers. Amending the Authorized Use section of Biocontrol's NRC license will correct this violation. Biocontrol will be in full compliance when the NRC approves the amendment to our license. Biocontrol has carefully reviewed the terms and conditions of our NRC license for other potential violations.

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Please contact me if you have any questions regarding this  
reply to a Notice of Violation.

Sincerely,

*Joseph N. Klingensmith*

Joseph N. Klingensmith  
RSO

cc: Regional Administrator  
U.S. Nuclear Regulatory Commission  
Region I  
475 Allendale Road  
King of Prussia, PA 19406

cc: David Purdy  
Kieth Albee  
Nancy Saxman  
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