

UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the Matter of

Trutom LTD.
Latham, NY

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Docket No. 03031850
License No. 31-28562-01

ORDER MODIFYING LICENSE
(EFFECTIVE IMMEDIATELY)

I

Trutom LTD. (Licensee) is the holder of Byproduct Material License No. 31-28562-01 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 34, which is currently due to expire on July 31, 1995. The license authorizes use of RTS Technology, Inc. (RTS) Model 702 radiography source assemblies for radiography operations.

II

RTS has reported to the Commission that several connector sleeves have broken. The cause is attributed by RTS to the hardness specification on the Model 702 radiography source assembly connector. A break in the connector sleeve could lead to an unintentional, and possibly undetected, disconnection of the drive cable from the source assembly. This disconnection could lead to the Licensee invoking emergency procedures to retrieve an unshielded, high activity radiography source. In the past, source disconnections have led at times to serious overexposures of workers and members of the public. RTS has reduced the hardness requirement for future connector sleeves. However, source assemblies manufactured prior to May 11, 1993, could have connector sleeves which are too hard.

III

Consequently, I lack the requisite reasonable assurance that Licensee's radiography operations using RTS Model 702 source assemblies with serial numbers lower than 1867 can be conducted in compliance with the Commission's requirements and that the health and safety of the public, including the Licensee's employees, will be protected. Therefore, the public health, safety, and interest require that use of RTS Model 702 source assemblies with serial numbers lower than 1867 in radiography operations be prohibited. Furthermore, pursuant to 10 CFR 2.202, I find that the public health, safety, and interest require that this Order be effective immediately.

IV

Accordingly, pursuant to sections 81, 161b, 161c, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 34, IT IS HEREBY ORDERED, EFFECTIVE IMMEDIATELY, THAT LICENSE NO. 31-28562-01 IS MODIFIED AS FOLLOWS:

- A. RADIOGRAPHY OPERATIONS INVOLVING RTS MODEL 702 SOURCE ASSEMBLIES WITH SERIAL NUMBERS LOWER THAN 1867 ARE PROHIBITED.
- B. THE LICENSEE SHALL, WITHIN 20 DAYS OF THE DATE OF THIS ORDER, FILE WITH THE DIRECTOR, OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS, AT THE ADDRESS INDICATED BELOW, A STATEMENT, IN WRITING AND UNDER OATH OR AFFIRMATION, THAT RADIOGRAPHY OPERATIONS USING RTS MODEL 702 SOURCE ASSEMBLIES WITH SERIAL NUMBERS LOWER THAN 1867 CEASED UPON RECEIPT OF THIS ORDER AND SHALL STATE THE DATE ON WHICH THIS ORDER WAS RECEIVED.

The Regional Administrator, Region I, may, in writing, relax or rescind the above condition upon demonstration by the Licensee of good cause.

V

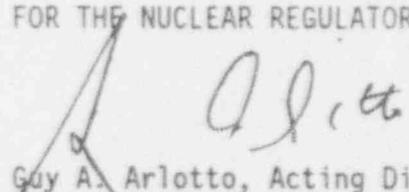
In accordance with 10 CFR 2.202, the Licensee must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within 20 days of the date of this Order. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this order and set forth the matters of fact and law on which the Licensee or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, U. S. Nuclear Regulatory Commission, ATTN: Chief, Docketing and Services Section, Washington, D.C. 20555. Copies also shall be sent to the Director, Office of Nuclear Material Safety and Safeguards, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, Region I, U. S. Nuclear Regulatory Commission, 475 Allendale Road, King of Prussia, PA 19406, and to the Licensee if the answer or hearing request is by a person other than the Licensee. If a person other than the Licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by the Licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), the Licensee, or any other person adversely affected by this Order, may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. AN ANSWER OR A REQUEST FOR HEARING SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS OF THIS ORDER.

FOR THE NUCLEAR REGULATORY COMMISSION


Guy A. Arlotto, Acting Director
Office of Nuclear Material Safety
and Safeguards

Dated at Rockville, Maryland
this 20th day of May, 1993

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FOR THE NUCLEAR REGULATORY COMMISSION

original signed by

Guy A. Arlotto, Acting Director
Office of Nuclear Material Safety
and Safeguards

Dated at Rockville, Maryland
this 20th day of May, 1993

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ENCLOSURE 2

