

January 28, 1994

Docket No. 030-06309
License No. 37-13129-01
EA No. 1-94-014

Radiation Management Consultants
ATTN: Kurt Linnemann
President
3021 Darnell Road
Philadelphia, Pennsylvania 19154

Dear Mr. Linnemann:

SUBJECT: TRANSFER OF OWNERSHIP OF LICENSED MATERIAL TO AN
UNAUTHORIZED RECIPIENT

This letter refers to the December 9, 1993 inspection of your 5301 Tacony Street, Philadelphia, Pennsylvania facility, the December 10, 1993 inspection of RMC Calibration Service Incorporated's (RMC) facility in Wilmington, Delaware, and to the Enforcement Conference with RMC on January 14, 1993. The inspections were to determine whether activities authorized by the license were conducted safely and in accordance with NRC requirements. Some of the inspection findings are discussed below.

It was determined during the inspections that licensed activities had been relocated from your Pennsylvania facility to RMC's facility in Wilmington, Delaware. During the enforcement conference with a representative from RMC, it was determined that 1) a change of ownership of some of the licensed activities had occurred in July 1992, 2) the relocation of all licensed activities had occurred on March 31, 1993, and 3) a transfer of all of the remaining licensed material and activities occurred in August 1993.

As discussed during the telephone conversation between Mr. Thomas Linnemann and Dr. Walter Pasciak on January 18, 1994, the apparent violations and the concerns identified during these inspections and the enforcement conference with RMC will be discussed during an Enforcement Conference with you or your representatives on February 3, 1994. It appears that you did not conform to the requirements of 10 CFR 30.41 and 30.34. 10 CFR 30.41 requires, in part, that no licensee shall transfer byproduct material except as authorized. In July 1992 and in August 1993, you transferred byproduct material without ensuring that the recipient possessed a specific or general license authorizing possession of the byproduct material. 10 CFR 30.34(b) requires that no license issued or granted pursuant to the regulations promulgated in Parts 30 through 36 and 39, nor any right under a license, shall be transferred, assigned or in any manner disposed of, unless the Commission gives its consent in writing. In July 1992 and August 1993, you transferred control of your license to RMC Calibration Services, Incorporated without first gaining the consent of the Commission. We understand that your representatives will be prepared to discuss the causes of the apparent violations, the breakdown in supervision and

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control of activities, and your corrective actions. Enforcement action will be considered by the NRC following the conference. The NRC Enforcement Policy is described in Appendix C of 10 CFR Part 2, a copy of which is enclosed for your information. Directions to the Region I office and a copy of the NRC inspection report for the December 10, 1993, inspection at RMC Calibration Services, Inc., are also enclosed.

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 the enclosures will be placed in the Public Document Room.

No response to this letter is required. Your cooperation in this matter with us is appreciated.

Sincerely,

Michael Weber for:

Charles W. Hehl, Director
Division of Radiation Safety
and Safeguards

Enclosures:

1. 10 CFR Part 2, Appendix C
2. Directions to the USNRC Region I Office
3. NRC Inspection No. 030-06309/93-002

cc w/encl:

Public Document Room (PDR)
Nuclear Safety Information Center (NSIC)
Commonwealth of Pennsylvania

bcc:

Region I Docket Room (w/concurrences)

T.T. Martin, RI (w/o enclosures)

W.F. Kane, RI

C.J. Paperiello, NMSS

J. Lieberman, OE

C.W. Hehl, RI (w/o enclosures)

S.F. Shankman, RI

S.H. Lewis, OGC

J.E. Glenn, NMSS

R.R. Bellamy, RI

J.R. DelMedico, OE

K.D. Smith, RI (w/o enclosures)

D.J. Helody, RI

M. Banerjee, RI

W.J. Pasciak, RI


A. Kirkwood, RI

S. Courtemanche, RI


M.J. Champion, RI


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