

OCT 02 1990

Docket Nos. 030-04593
040-02253
070-00263

License Nos. 20-01010-04
SUB-238
SNM-244

Department of the Army,
Materials Technology Laboratory
ATTN: Major Mel Adams
Base Commander
Arsenal Street
Watertown, Massachusetts 02172-0001

Gentlemen:

Subject: Routine Inspection No. 90-001

On July 23, 24 and 25, 1990, C. Thor Oberg, and C. Eckert of this office conducted a routine safety inspection at Materials Technology Laboratory, Arsenal Street, Watertown, Massachusetts of activities authorized by the above listed NRC licenses. 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 Major Mel Adams at the conclusion of the inspection.

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.

Item A described in the attached Notice of Violation involving the storage and control of licensed material is classified as a Severity Level IV violation. As indicated in Supplement IV of the NRC Enforcement Policy, significant violations of this type are normally classified as Severity Level III. However, after careful consideration of the factors involved in this specific instance, it is felt this incident posed a minimal health and safety problem. We have exercised our judgment under the NRC Enforcement Policy and have classified this violation as Severity Level IV. Similar violations of this type in the future may result in additional enforcement action.

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As the inspectors discussed with you at the conclusion of the inspection, we plan to review the release for unrestricted use of the property adjacent to the current Army property during the review of your application to review License No. SUB-238. We are conducting this review because our files do not clearly document that this property was properly surveyed and officially released by AEC or NRC. During this review we will probably request that you supply dates when this property was released from your control and final survey data. You may wish to review your records so that such information is available.

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.

Your cooperation with us is appreciated.

Sincerely,

Original Signed By:
Francis M. Costello

for 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
Peter Cornetta, Radiation Safety Officer
Darwin N. Taras, U.S. Army Material Command

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

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RI:DRSS
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