

MAR 04 1994

Docket No. 030-30808
License No. 29-13141-06
EA No. 94-003

Department of Transportation
FAA Technical Center
ACA-600, Building 315
ATTN: Paul Polski
Service Director
Atlantic City International Airport
Atlantic City, New Jersey 08405

Dear Mr. Polski:

SUBJECT: CONFIRMATORY ACTION LETTER NO. 1-94-003

On February 9, 1994, Susan Hallowell, Ph.D., of your staff, contacted members of the NRC Region I staff concerning issues relating to your license renewal application. During the telephone discussion, it was determined that you had received instruments from three vendors which contained byproduct material but were not yet licensed by the NRC for distribution within the United States by the three vendors. Applicable regulations in 10 CFR Parts 20 and 31 are attached. You were informed by the Region I staff on February 10, 1994, that the Department of Transportation, FAA Technical Center (DOT), was prohibited from further use of the three instruments and that the instruments would need to be put into secure storage until such time as the three vendors received NRC approval for distribution of these instruments. On February 17, 1994, one of the three vendors was authorized by the NRC to distribute the instrument in the United States and therefore, two unapproved instruments remain in your possession.

Pursuant to a telephone conversation between Dr. Susan Hallowell of your staff and Dr. Mohamed Shanbaky of this office on March 2, 1994, it is our understanding that you have taken or will take the following actions:

1. The CPAD Model 2 instrument will not be used and shall be placed into secure storage until such time as the vendor is issued a license authorizing the distribution of the instruments.
2. Upon the approval of an NRC distribution license for CPAD, you will submit an amendment request to the NRC Region I office as required. If the request for a distribution license is denied, then the instrument must be returned to CPAD.

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3. The Ion Track Instruments, Inc. Model Vixen instrument will not be used and will be kept in secure storage until its planned shipment to the vendor by March 15, 1994.

Pursuant to Section 182 of the Atomic Energy Act, 42 U.S.C. 2232, and 10 CFR 2.204, you are required to :

1. Notify me immediately if your understanding differs from that set forth above.
2. Notify me in writing if for any reason you cannot complete the actions within the specified schedule and advise me in writing of your modified schedule in advance of the change.
3. Notify me in writing when you have completed the actions addressed in this Confirmatory Action Letter.

Issuance of this Confirmatory Action Letter does not preclude the issuance of an Order formalizing the above commitments or requiring other actions on the part of the licensee, nor does it preclude the NRC from taking enforcement action for violations of NRC requirements that may have prompted the issuance of this letter. In addition, failure to take the actions addressed in this Confirmatory Action Letter may result in enforcement action.

The response directed by this letter is not subject to the clearance procedures of the Office of Management and Budget, as required by the Paperwork Reduction Act of 1980, Pub. L. 96-511. In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be placed in the Public Document Room.

Sincerely,

Michael M. Weber

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

Enclosures: 10 CFR Parts 20 and 31

cc:
Public Document Room (PDR)
Nuclear Safety Information Center (NSIC)
State of New Jersey

Department of Transportation

bcc:

Region I Docket Room (w/concurrences)

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J. Glenn, NMSS

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S. Chidakel, OGC

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M. Weber, RI

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M. Shanbaky, RI

S. Courtemanche, RI

M. Miller, RI

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