

OCT 12 1990

Docket No. 030-09916
Inquiry No. 90-001

License No. 12-10308-01 (expired)

Kraft, Incorporated
ATTN: Harold I. Goldsmith
Manager, Environmental
Operations
Old Orchard Plaza
5401 Old Orchard Road
Skokie, Illinois 60077

Gentlemen

Subject: NOTICE OF VIOLATION

This refers to the telephone discussions between a member of your staff at your Middlebury, Vermont facility and John Miller of this office on October 3, 1990. The subject of the discussion was the expiration of the above named license without the submission of a renewal application and the continuation of licensed activities.

From this discussion, it is our understanding that you still possess the fixed gauges containing licensed radioactive material. Your letter dated December 22, 1988, indicated that an application would be sent to the NRC transferring the responsibility from your Corporate Office to the facility itself. As of this time, no application has been received.

This Notice of Violation is being issued because of your possession of licensed material without an active license (10 CFR 30.3). Section 30.3 states:

"Except for persons exempt as provided in this part and Part 150 of this chapter, no person shall manufacture, use, import, or export byproduct material, except as authorized in a specific or general license issued pursuant to the regulations of this chapter."

You must keep formerly licensed material in secure storage without use until a valid license is issued by the proper regulatory agency or you make arrangements to transfer the formerly licensed material to a licensed recipient.

In response, you need to submit a completed application for a new license to the Region I Office at 475 Allendale Road, King of Prussia, Pennsylvania 19406.

OFFICIAL RECORD COPY

SC KRAFT - 0001.0.0
10/04/90

9010310063 901012
REG1 LIC30
12-10308-01 PDC

Return Original to Region I

1/0
1E:07

Kraft, Incorporated

-2-

This Notice of Violation is sent to you under the provisions of Section 2.201 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations. A response is required within thirty days of the receipt of this letter.

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 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.

Sincerely,

Original Signed By:
John R. White

John R. White, Chief
Nuclear Materials Safety Section C
Division of Radiation Safety
and Safeguards

Enclosures:

1. Form NRC-313
2. 10 CFR Parts 2, 19, 20, 21, 30, and 170
3. Guide for . . . Nonportable Gauging Devices

cc:
Public Document Room (PDR)
Nuclear Safety Information Center (NSIC)
State of Illinois
State of Vermont

Kraft Foods
ATTN: Plant Manager
500 Exchange Street
Middlebury, Vermont 05753

bcc:
Region I Docket Room (w/concurrences)

DRSS:RI SCourtenaiche
DRSS:RI JWhite

10/4/90

10/16/90

OFFICIAL RECORD COPY

SC KRAFT - 0003.0.0
10/04/90