

UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the Matter of

Cambridge Medical Technology Corporation)
Billerica, Massachusetts 01865 }

Docket No. 030-04659
License No. 20-06799-02
EA 89-223

ORDER RESCINDING MAY 22, 1990 ORDER IMPOSING A CIVIL MONETARY PENALTY

I

Cambridge Medical Technology Corporation (the "licensee") is the holder of NRC Materials License No. 20-06799-02 (the "license") issued by the Nuclear Regulatory Commission (the "Commission" or "NRC") which authorizes the licensee to possess and use seven curies of iodine-125, five curies of iodine-131 and one millicurie of hydrogen-3 in research and development, as defined in 10 CFR 30.4, and for processing, packaging and distribution to persons authorized to receive such materials pursuant to the terms and conditions of specific licenses issued by the Nuclear Regulatory Commission or any Agreement State. The license also authorizes the licensee to possess and use one millicurie of iodine-129 for the calibration of instruments. The license was issued on February 5, 1970, was most recently renewed on January 11, 1985, and has an expiration date of January 31, 1990. In a letter dated January 16, 1990, the licensee requested a 90-day extension of the expiration date. This request has been accepted by the NRC as a timely renewal application and the license remains in effect, pending final action on that application.

On November 1, 1989, the licensee discontinued operations at the facility, and subsequently transferred all drums of radioactive waste to a waste burial site. In addition, all areas of the facility have been decontaminated with the exception of the areas where the licensee's hoods, ventilation systems and waste compactor are located. These areas are still contaminated with iodine-125, but access to them is controlled.

II

An NRC safety inspection of the licensee's activities under the license was conducted at the licensee's facility on November 8-9, 1989. The results of the inspection indicated that the licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was served upon the licensee by letter dated February 28, 1990. The licensee responded to the Notice by a letter dated March 27, 1990. In its response, the licensee denied the violation.

Upon consideration of the licensee's response, the NRC staff determined that the violation set forth in the Notice occurred as stated therein, and that the penalty proposed for the violation should be imposed. Accordingly, NRC issued an Order Imposing a Civil Monetary Penalty to the licensee on May 22, 1990. The licensee responded in a letter dated May 31, 1990, wherein the licensee 1) contested the NRC's evaluation of the licensee's response to the Notice, as set forth in the Appendix to the May 22 Order, 2) requested an Enforcement

Hearing, and 3) claimed that it could not afford to pay the civil penalty and that payment of the civil penalty would imperil its efforts to assure an orderly sale, lease, and decommissioning of its facility.

III

Upon review of the facts of this case, including the information submitted in the licensee's May 31, 1990 "Request for an Enforcement Hearing", I find that:

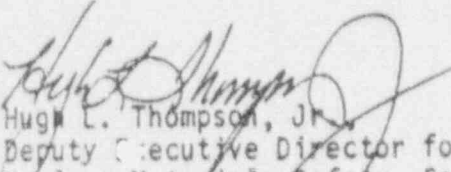
1. Notwithstanding the licensee's arguments to the contrary, the violation did occur as stated in the Notice.
2. The licensee's actions to date in connection with the orderly termination of the license and decontamination of the facility provide reasonable assurance that this violation will not recur.
3. Based upon the financial information contained in the licensee's May 31, 1990 submittal, the licensee would not be able to pay the \$8,000 civil penalty imposed by NRC Order dated May 22, 1990 without incurring undue hardship and potentially jeopardizing further decommissioning of the facility.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act) 42 U.S.C. 2282, and 10 CFR 2.205, IT IS HEREBY ORDERED THAT:

The NRC May 22, 1990 Order Imposing a Civil Monetary Penalty in the amount of \$8,000 is rescinded upon approval by the Atomic Safety and Licensing Board and the termination of the proceeding initiated at the request of Cambridge Medical Technology Corporation.

FOR THE NUCLEAR REGULATORY COMMISSION


Hugh L. Thompson, Jr.
Deputy Executive Director for
Nuclear Materials Safety, Safeguards
and Operations Support

Dated at Rockville, Maryland
this 14th day of August 1990

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

CAMBRIDGE MEDICAL
TECHNOLOGY CORPORATION

(Materials License No. 20-06799-02
E.A. 89-233)

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)
) Docket Nos. 30-04659-CivP
)
)
)

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF MOTION TO TERMINATE PROCEEDING" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or as indicated by an asterisk through deposit in the Nuclear Regulatory Commission's internal mail system, this 14th day of August, 1990:

James H. Carpenter*
Administrative Judge
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Frederick J. Shon*
Administrative Judge
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Atomic Safety and Licensing Appeal
Board Panel (5)*
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

John H. Frye, III*
Administrative Judge
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Joseph P. Carroll, President
Cambridge Medical Technology Corp.
575 Middlesex Turnpike
Billerica, MA 01865

Office the Secretary (2)
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Attn: Docketing & Service Section

Thomas T. Martin
Regional Administrator, Region I
475 Allendale Road
King of Prussia, PA 19406

Atomic Safety and Licensing
Board (1)
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Colleen P. Woodhead By: *Bm3*
Colleen P. Woodhead
Counsel for NRC Staff

NRC FORM 218
(4-78)
NRCM 0240

U.S. NUCLEAR REGULATORY COMMISSION

DATE

8-24-90

TELEPHONE OR VERBAL CONVERSATION RECORD

TIME

9:00

☒ A.M.
☐ P.M.

☐ INCOMING CALL

☒ OUTGOING CALL

☐ VISIT

PERSON CALLING

Bates

OFFICE/ADDRESS

PHONE NUMBER

EXTENSION

PERSON CALLED

Joe Carroll

OFFICE/ADDRESS

CAMBRIDGE MEDICAL

PHONE NUMBER

EXTENSION

508-667-2161

CONVERSATION

SUBJECT

electric services being shut off

SUMMARY

s/w Jim McLemen, watchman at Cambridge. He said that a certified letter was received from the electric company, but he did not know the contents. He has not heard from Mr. Carroll for 3 weeks. He's supposed to be overseas at this time and should return Tuesday 8/28/90.

Mr. McLemen will call the Cambridge Medical Trustee. He said she no longer works at this location, but he can contact her. He stated that Cambridge was supposed to receive royalties this week from the overseas market.

I told him that if the electricity is shut down and vent pumps no longer operate, more surveys will be needed within the facility. He will refer info to Carroll. Mrs. Carroll should call next week.

REFERRED TO:

Kennernan/Roberts

☐ ADVISE ME OF ACTION TAKEN.

ACTION REQUESTED

OK

INITIALS

DATE

ACTION TAKEN

INITIALS

⓪

A/21

DATE

8/30/90

CONVERSATION RECORD

TIME 1110 IN
115000

DATE 8-20-90

TYPE

☐ VISIT

☐ CONFERENCE

☒ TELEPHONE

☒ INCOMING

☒ OUTGOING

ROUTING

NAME/SYMB

INT

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT
WITH YOU

Ivar Anderson

ORGANIZATION (Office, dept., bureau,
etc.)

Massachusetts Electric Co.

TELEPHONE NO.

508-683-9511

X 1222

SUBJECT

Electricity (Termination) at Cambridge Med Tech.

SUMMARY

They received an incoming inquiry re status of Cambridge Medical Technology. Betsy suggested to them to direct it to me. I returned call to Mr. Anderson. Mass Electric Co. apparently is interested in termination of electric @ at Cambridge. Although Mr. Anderson could not discuss the status of a customer's bill, termination is likely due to non-payment. Mr. Anderson felt that since they were no longer in production, shut down would not be a problem. I informed Mr. Anderson that the electricity was essential in maintaining operability of a filtration/ventilation system. I also discussed with him that we are currently in discussion with Mr. Carroll of Cambridge about the facility. Mr. Anderson will call you Thursday (8-23-90). They will not do any termination until at least then.

ACTION REQUIRED

Forward this to Hanesman for response to Mass. electric. copy sent to Joyner + Cambridge file.

NAME OF PERSON DOCUMENTING CONVERSATION

M.C. Roberts

SIGNATURE

Mark Gahet

DATE

ACTION TAKEN

SIGNATURE

TITLE

DATE

A/28