

**RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) / PRIVACY  
ACT (PA) REQUEST**

2000-0256

1

RESPONSE  
TYPE

FINAL



PARTIAL

REQUESTER

Neil Thurber

DATE

AUG 08 2000

**PART I. -- INFORMATION RELEASED**

- ☐ No additional agency records subject to the request have been located.
- ☐ Requested records are available through another public distribution program. See Comments section.
- ☒ APPENDICES  
**A** Agency records subject to the request that are identified in the listed appendices are already available for public inspection and copying at the NRC Public Document Room.
- ☒ APPENDICES  
**B** Agency records subject to the request that are identified in the listed appendices are being made available for public inspection and copying at the NRC Public Document Room.
- ☒ Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, NW, Washington, DC.
- ☒ APPENDICES  
**B** Agency records subject to the request are enclosed.
- ☐ Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- ☐ We are continuing to process your request.
- ☐ See Comments.

**PART I.A -- FEES**

AMOUNT \*

\$ 29.05

\* See comments  
for details

You will be billed by NRC for the amount listed.



None. Minimum fee threshold not met.



You will receive a refund for the amount listed.



Fees waived.

**PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE**

- ☐ No agency records subject to the request have been located.
- ☐ Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- ☐ This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

**PART I.C COMMENTS (Use attached Comments continuation page if required)**

The actual fees for processing your request are as follows:

Search - 10 minutes, clerical:	\$ 3.20
Review - 40 minutes clerical & professional:	21.05
Duplication - 24 pgs @ \$.20 per page:	4.80
<b>TOTAL:</b>	<b>\$29.05</b>

You will be billed in the amount of \$29.05 by the NRC Division of Accounting

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed

**APPENDIX A  
RECORDS ALREADY AVAILABLE IN THE PDR**

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	04/24/85	8505150214	Materials License 20-05520-05, Amendment No. 2. (2 pages)
2.	07/13/94	9407250012	Letter from Walter Pasciak to Raymond Tarr, Omni-Wave Electronics Corp., enclosing Special Inspection Report No. 030-15075/94-001. (12 pages)
3.	08/02/94	9408080033	Leter from H. Thompson to M. Hamilton & R. Tarr, Omniwave Electronics, subject: Order to Cease and Desist Use and Possession of Regulated Byproduct Material and Decommission Facility and Demand for Information.12 pages)
4.	09/29/94	9410040066	Letter from J. Lieberman to M. Hamilton and R. Tarr, subject: NRC Evaluation of Responses to NRC Order and Demand for Information. (4 pages)
5.	12/09/94	9501100059	Letter from W. Pasciak to R. Tarr, subject: Inspection Report 030- 15075/94-002. (11 pages)

**APPENDIX B**  
**RECORDS BEING RELEASED IN THEIR ENTIRETY**  
**(If copyrighted identify with \*)**

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION/(PAGE COUNT)</u></b>
1.	Undated	Draft, unsigned memo from T. Martin to J. Lieberman, subject: Proposed Enforcement Action to Mr. Raymond Tarr and Mr. Milton Hamilton, Former President and Executive Vice-President of Omni-Wave Electronics Corporation. (3 pages)
2.	Undated	Draft, unsigned letter from H. Thompson to M. Hamilton and R. Tarr, subject: Order to Transfer Byproduct Material to An Authorized Recipient (Effective Immediately) and Demand for Information. (16 pages)
3.	08/03/94	Memo from P. Santiago to M. Lesar, subject: Order to Cease and Desist Use and Possession of Regulated Byproduct Material and Decommission Facility and Demand for Information. (1 page)
4.	11/10/94	Request for Analysis. (3 pages)
5.	12/20/94	License Status Change Control. (1 page)

MEMORANDUM FOR: James Lieberman, Director  
Office of Enforcement

FROM: Thomas T. Martin, Regional Administrator  
Region I

SUBJECT: PROPOSED ENFORCEMENT ACTION TO MR. RAYMOND  
TARR, AND MR. MILTON R. HAMILTON, FORMER  
PRESIDENT AND EXECUTIVE VICE-PRESIDENT OF  
OMNI-WAVE ELECTRONICS CORPORATION (NOW  
DEFUNCT)

Enclosed for your review and concurrence is a proposed Order and Demand for Information (DFI) to the subject individuals based on their possession of byproduct material (canisters containing krypton-85 gas, switches containing krypton-85 and cobalt-60, and waste) without a valid NRC license. The basis for the Order and DFI is provided in detail in the enclosed proposal.

The Order requires, in part, that Mr. Tarr and Mr. Hamilton who are co-owners of the building where the material is located, transfer the byproduct material to an authorized recipient. The DFI requires that Mr. Tarr and Mr. Hamilton describe why the NRC should have confidence that they will comply with NRC requirements in the event that they perform licensed activities under another NRC license, and that they will provide complete and accurate information to the NRC concerning any licensed activities.

Thomas T. Martin  
Regional Administrator

Enclosures:

1. Proposed Letter and Order
2. Letter and NOV, dated January 27, 1992, to RCM (successor organization)
3. Confirmatory Action Letter 1-93-004 to Omni-Wave
4. NRC Inspection Report (030-15075/94001)

~~PROPOSED ENFORCEMENT ACTION~~  
~~NOT FOR PUBLIC RELEASE WITHOUT APPROVAL OF THE DIRECTOR, OE~~

ITEM # 1

B/1

(3)

Mr. James Lieberman

2

cc w/encls:

S. Lewis, OGC

C. Paperiello, NMSS

B. Summers, OE (3)

K. Abraham, PAO

D. Screnci, PAO

The Regional Counsel has no legal objection to this Proposal Yes\_\_\_ NO\_\_\_

RI:EO  
DHolody/gcb

7/ /94

RI:DRSS  
WPasciak

7/ /94

RI:DRSS  
RBellamy

7/ /94

RI:DRSS  
WHehl

7/ /94

RI:RC  
KSmith

7/ /94

OI  
BLetts

7/ /94

RI:DRA  
WKane

7/ /94

RI:RA  
TMartin

7/ /94

CE  
Docket No. 030-15075  
License No. 20-05520-05 (expired)  
EA 94-

Milton R. Hamilton  
Raymond Tarr  
P.O. Box 660  
22 Blackburn Drive  
Gloucester, Massachusetts 01930

Dear Messrs. Hamilton and Tarr:

SUBJECT: ORDER TO TRANSFER BYPRODUCT MATERIAL TO AN AUTHORIZED  
RECIPIENT (EFFECTIVE IMMEDIATELY) AND DEMAND FOR  
INFORMATION

The enclosed Order, which is effective immediately, is being issued to require you to decontaminate areas of the building located at 22 Blackburn Drive, Gloucester, Massachusetts, where radioactive material was used and stored, and to transfer the remaining byproduct material (canisters containing krypton-85 gas, switches containing krypton-85 and cobalt-60, and waste) in your possession to an authorized recipient within 60 days of the date of this Order. If you do not believe that you have sufficient funds to pay for the transfer, you must provide information necessary to support such claim, as described in Section III of the enclosed Order. Once the transfer of material has been confirmed, the NRC will terminate License Number 20-05520-05 and will inform you in writing of the formal termination.

The Order also provides that: (1) prior to transfer, you must continue to maintain safe control over the byproduct material by keeping it in locked storage; (2) no use of the byproduct material is authorized; (3) unless the material already has been transferred, you will provide a written update to the NRC of your progress in finding an authorized person to receive and possess the byproduct material; (4) you will notify the NRC by telephone at least two working days prior to the actual transfer; and (5) you will certify to the NRC, under oath or affirmation, that the byproduct material has been transferred to an authorized recipient within seven days after such transfer. Unless the Order is relaxed in writing, you must comply with it.

B/h  
ITEM # 4

(16)

This Order is being issued to you because you are in possession of byproduct material under a license that had expired. You previously had obtained the byproduct material under NRC License No. 20-05520-05 while you (Mr. Tarr), and Mr. Hamilton held executive positions with Omni-Wave Electronics Corporation. However, the license issued to Omni-Wave Electronics expired on April 30, 1990, and we understand that Omni-Wave Electronics is now defunct. Nonetheless, you still have possession of the byproduct material, even though you have not sought a license to possess it and you have been reminded by the NRC to obtain a license or transfer the material to an authorized recipient, as evidenced in Section II of the Order. The dissolution of the Omni-Wave Electronics Corporation does not obviate the requirement that you take immediate action to transfer the byproduct material in your possession to an authorized recipient.

In addition, in light of your continued possession of the byproduct material without an NRC license, and without seeking a license to do so, you are in deliberate noncompliance of NRC requirements. Therefore, to determine whether additional enforcement action is warranted to further limit your involvement in NRC licensed activities, a Demand for Information (DFI) is being issued with the Order.

The issuance of this Order does not preclude you from being subject to civil and criminal sanctions for the violation underlying this Order. In addition, violation of this Order may also subject you to civil penalties or criminal sanctions under the Atomic Energy Act.

You are required to abide by the applicable provisions of 10 CFR Part 20 while you maintain NRC-licensed material in locked storage. Your possession of the byproduct material without a valid license continues to be a violation of the Atomic Energy Act of 1954, as amended, and NRC regulations.

If you have any questions concerning this Order and DFI, please contact James Lieberman, Director, Office of Enforcement, at (301) 504-2741.



Messrs. Hamilton and Tarr

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In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and the enclosure will be placed in the NRC's Public Document Room.

Sincerely,

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

Enclosure:

Order to Transfer Byproduct Material  
to an Authorized Recipient (Effective Immediately)  
and Demand for Information

cc w/encl:

Commonwealth of Massachusetts

DISTRIBUTION:

PDR

SECY

CA

JTaylor, EDO

HThompson, DEDS

JLieberman, OE

TMartin, RI

RBernero, NMSS

CPaperiello, NMSS

LChandler, OGC

JGoldberg, OGC

Enforcement Coordinators

RI, RII, RIII, RIV, RV

FIngram, OPA

DWilliams, OIG

BHayes, OI

VMiller, OSP

EJordan, AEOD

NMamish, OE

EA File

DCS

OE

NMamish

7/ /94

AD:OE

PSantiago

7/ /94

NMSS

CPaperiello

7/ /94

OGC

JGoldberg

7/ /94

RA:RI

TMartin

7/ /94

D:OE

JLieberman

7/ /94

DEDS

HThompson

7/ /94

UNITED STATES  
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
Raymond Tarr	)	Docket No. 030-15075
Milton R. Hamilton	)	License No. 20-05520-05 (expired)
Gloucester, Massachusetts	)	EA 94-

ORDER TO TRANSFER LICENSED MATERIALS  
(EFFECTIVE IMMEDIATELY)  
AND  
DEMAND FOR INFORMATION

Raymond Tarr was President and Milton R. Hamilton was an authorized user and the Executive Vice-President of Omni-Wave Electronics Corporation (Licensee), the holder of expired Byproduct Materials License No. 20-05520-05 (License) issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 30 on November 15, 1985. The License authorized the possession and use of cobalt-60 in any form, up to 10 millicuries and krypton-85 in any form, up to 500 millicuries, in accordance with the conditions specified therein. The License expired on April 30, 1990, and the NRC has been informed by Mr. Hamilton that Omni Wave Electronics Corporation is now defunct. Since the expiration of the License, the byproduct material has remained in the possession of Mr. Hamilton at 22 Blackburn Drive, Gloucester, Massachusetts, 01930. There have been two

successors of Omni-Wave Electronics, RCM Corporation and Cherooke Electronics, and the NRC has been informed by Mr. Hamilton that these successor organizations are now defunct. Mr. Hamilton was the Executive Vice-President of RCM Corporation when they were in operation.

## II

The Licensee did not submit an application for renewal of the License under 10 CFR 30.37 prior to its expiration, nor did the Licensee notify the Commission, in writing under 10 CFR 30.36, of a decision not to renew the License. On January 27, 1992, the NRC, Region I, issued a Notice of Violation (NOV) to the RCM Corporation for failure to request renewal, or to file a notice of non-renewal or transfer of the byproduct material, prior to expiration of the License. The letter forwarding the NOV directed the Licensee to place the radioactive material on hand in secure storage until such time as they acquire a valid license, and that no other use of the material on hand or purchase of additional material is authorized. RCM Corporation applied for a possession license on March 19, 1992. In a telephone conversation with Mr. Charles G. Amato, Health Physicist, NRC, Region I, on July 29, 1992, Mr. Hamilton stated that RCM Corporation was undergoing reorganization and requested that the

application for possession license be withdrawn. On August 3, 1992, RCM Corporation withdrew their application for a possession license. As of this date, RCM Corporation has not applied for, nor obtained, an NRC license.

On August 11, 1993, the NRC, Region I, issued a Confirmatory Action Letter No. 1-93-004 (CAL) to Mr. Milton Hamilton of the Omni-Wave Electronics Corporation requiring that a decommissioning plan be developed and submitted to the NRC Region I office by September 15, 1993, and requiring that the decommissioning work be completed by November 15, 1993. The CAL also stated that Omni-Wave Electronics prepare and transmit to the NRC by November 15, 1993, a report showing the disposition of radioactive material with copies of all shipping papers. On September 9, 1993, Mr. Hamilton requested an extension to the date stated in the CAL, in order to raise funds for the completion of the decommissioning. He stated that due to a very tight budget and the approximate cost for decommissioning, it was anticipated that the decommissioning would be accomplish within 30-45 days. As of this date, a report has not been transmitted to NRC describing the decommissioning of the facility, nor have copies of shipping papers been submitted to the NRC showing the disposition of radioactive material.

On June 15, 1994, Richard Gibson, Jr. of the Region I office, accompanied by Thomas F. O'Connell of The Commonwealth of Massachusetts, conducted a special confirmatory safety inspection at 22 Blackburn Drive, Gloucester, Massachusetts, of activities authorized by the above listed NRC license (expired). The inspection was performed to identify licensed

material still in possession under an expired license. The inspection included the pump room area of the facility, the manufacturing area, and the storage area for licensed material. The NRC inspector, and the inspector from The Commonwealth of Massachusetts, identified licensed material at the facility located at 22 Blackburn Drive, Gloucester, Massachusetts.

### III

Mr. Hamilton remains in possession of NRC-licensed radioactive material without a license. This is prohibited by Section 81 of the Atomic Energy Act of 1954, as amended, and by 10 CFR 30.3, which state that, except for persons exempt as provided in 10 CFR Parts 30 and 150, no person shall possess or use byproduct material except as authorized in a specific or general NRC license. Furthermore, based on the above, Omni-Wave Electronics Corporation has deliberately violated NRC requirements by possessing the byproduct material without a license. This conclusion is based on the facts that Omni-Wave Electronics never filed a renewal application before the License issued to them expired on April 30, 1990, as required by 10 CFR 30.37 even though this was discussed with Mr. Hamilton or Mr. Tarr; Mr. Hamilton has not submitted a decommissioning plan or a report showing the disposition of radioactive material as Mr. Hamilton agreed to do in CAL (No.1-93-004), dated August 11, 1993; and Omni-Wave Electronic continues to possess the radioactive material contrary to 10 CFR 30.3, without a valid NRC specific license.

Improper handling of the byproduct material can result in unnecessary exposure to radiation. The Atomic Energy Act and the Commission's regulations require that the possession of licensed material be under a regulated system of licensing and inspection. Mr. Hamilton's possession of NRC-licensed material without a valid NRC license, as documented in the August 11, 1993 Confirmatory Action Letter, and their unwillingness to apply for an NRC license, demonstrate a deliberate disregard for NRC requirements. Mr. Hamilton and Mr. Tarr, by continuing to possess material after being notified of the expiration of the License, have demonstrated that they are not willing to comply with Commission requirements.

Given the circumstances surrounding the possession of the byproduct material and their lack of response to requests made by the NRC, I lack the requisite reasonable assurance that the health and safety of the public will be protected while Mr. Hamilton remains in possession of the radioactive material. Consequently, the public health, safety, and interest require the imposition of the requirements set forth in Section IV below. Furthermore, pursuant to 10 CFR 2.202, I have determined that the significance of Mr. Hamilton and Mr. Tarr's actions described above, (specifically, the deliberate possession of licensed material without a License, after the NRC notification of the need to either obtain a license, or dispose of the material to an authorized recipient) is such that the public health, safety, and interest require that this Order be immediately effective.

## IV

Accordingly, pursuant to Sections 81, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations at 10 CFR 2.202 and 10 CFR Part 30, IT IS HEREBY ORDERED, EFFECTIVE IMMEDIATELY, THAT:

- A. The cobalt-60 and the krypton-85 byproduct material located at the building co-owned by Mr. Tarr and Mr. Hamilton, at 22 Blackburn Drive, Gloucester, Massachusetts shall be transferred to a person authorized to receive and possess the material, and the facility decommissioned within 60 days of the date of this Order. If Mr. Hamilton and Mr. Tarr believes they do not have sufficient funds to complete the transfer, each must provide, within 30 days of this Order, evidence supporting such a claim by submitting to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (1) an estimate of the cost of the transfer and the basis for the estimate, including the license number and identity of the person who would perform the transfer, (2) written statements from at least two banks stating that Mr. Hamilton or Mr. Tarr could not qualify for a loan to pay for the transfer, (3) copies of Federal income tax returns for the years ending 1993, 1992, 1991, and 1990, for Mr. Tarr and Mr. Hamilton, and (4) a signed agreement to allow the NRC



to receive Mr. Tarr and Mr. Hamilton's credit information from a credit agency. A  
SUBMITTAL OF EVIDENCE SUPPORTING THE LACK OF SUFFICIENT  
FUNDS DOES NOT EXCUSE NONCOMPLIANCE WITH THIS ORDER.

- B. Mr. Hamilton continue to maintain safe control over the byproduct material, by keeping the material in locked storage and not allowing any person access to the material until the material is transferred to a person authorized to receive and possess the material in accordance with the provisions of this Order.
- C. Mr. Hamilton ensure that there is no use of the byproduct material, except for performance of decommissioning and transfer to an authorized recipient.
- D. Unless the byproduct material already has been transferred, Mr. Hamilton shall provide a written update within 30 days of receipt of this Order to the Regional Administrator, Region I, and the Director, Office of Enforcement, on the progress in finding an authorized person to receive and possess the byproduct material.
- E. Mr. Hamilton shall notify Dr. Ronald Bellamy, Chief, Nuclear Materials Safety Branch, NRC, Region I, by telephone at least two working days prior to the date of the transfer of the byproduct material so that the NRC may, if it elects, observe the transfer of the source to the authorized recipient.

- F. Mr. Hamilton and Mr. Tarr, within seven days following completion of the transfer, shall provide to the Regional Administrator, Region I: (1) a decommissioning plan for NRC review and approval, which will meet the applicable requirements of 10 CFR 30.36, (2) a notification of when decommissioning has been completed, (3) a report required by 10 CFR 30.36 (c)(1)(v)(A) and (c)(1)(v)(B), appending to it the original and one copy of NRC Form-314, "Disposition of Radioactive Material," with copies of all shipping papers, (4) confirmation in writing and under oath (NRC Form 314) that the cobalt-60 and the krypton-85 have been transferred, and (5) a copy of the certification from the authorized recipient that the byproduct material has been received.

The Regional Administrator, NRC Region I, may, in writing, relax or rescind any of the above conditions upon a showing by Mr. Hamilton or Mr. Tarr of good cause.

V

In accordance with 10 CFR 2.202, Mr. Hamilton and Mr. Tarr must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order within 20 days of the date of this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and set forth the matters of fact and law on which Mr. Hamilton or Mr. Tarr, or other person adversely affected relies and the

reasons why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Docketing and Service Section, Washington, D.C. 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, PA, 19406, and to Mr. Hamilton or Mr. Tarr if the answer or hearing request is by a person other than Mr. Hamilton or Mr. Tarr. If a person other than Mr. Hamilton or Mr. Tarr requests a hearing, that person shall set forth with particularity the manner in which his or her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by Mr. Hamilton or Mr. Tarr or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202 (c)(2)(i), Mr. Hamilton or Mr. Tarr, or any other person adversely affected by this Order may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. AN ANSWER OR REQUEST FOR HEARING SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS OF THIS ORDER.

## VI

In addition to issuance of this Order, the Commission requires further information from Mr. Hamilton and Mr. Tarr in order to determine whether the Commission can have reasonable assurance that in the future, should Mr. Hamilton or Mr. Tarr perform licensed activities under any other NRC license, Mr. Hamilton and Mr. Tarr will conduct any NRC licensed activity in accordance with NRC requirements, and whether enforcement action is warranted against Mr. Hamilton and Mr. Tarr, individually.

Accordingly, pursuant to sections 161c, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commissions's regulations in 10 CFR 2.204 and 10 CFR 30.32(b), Mr. Hamilton and Mr. Tarr are hereby required to submit to the Director, Office

of Enforcement, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, within 30 days of the date of this Order and Demand for Information, a statement in writing, under oath or affirmation, of:

1. A list of all licensees that they work for, or are associated in any way, that involve byproduct material licensed by the NRC;
2. Why the NRC should have confidence that you will comply with NRC requirements in the event that they perform licensed activities under another NRC license.
3. Why, in light of the facts set forth above, the NRC should not issue an Order to you prohibiting you from engaging in NRC-licensed activities.

This information is needed in light of the deliberate violations of Commission requirements.

Copies of the response to this Demand for Information also shall be sent to the Assistant General Counsel for Hearings and Enforcement, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, and to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, PA 19406.

After reviewing your response, the NRC will determine whether further action is necessary to ensure compliance with regulatory requirements.

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    day of June 1994

AUG 03 1994

Docket No. 030-15075  
License No. 20-05520-05 (Expired)  
EA 94-124

MEMORANDUM FOR: Michael T. Lesar, Acting Chief  
Rules Review Section  
Regulatory Publication Branch

FROM: Patricia A. Santiago  
Assistant Director for Materials  
Office of Enforcement

SUBJECT: ORDER TO CEASE AND DESIST USE AND POSSESSION OF  
REGULATED BYPRODUCT MATERIAL AND DECOMMISSION  
FACILITY AND DEMAND FOR INFORMATION  
(Omniwave Electronics Corporation,  
Gloucester, Massachusetts)

A signed original of the subject order is enclosed for your transmittal to the Office of the Federal Register for publication. Additional conformed copies (5) of the Order are enclosed for your use.

(5)

Patricia A. Santiago  
Assistant Director for Materials  
Office of Enforcement

Enclosure: As Stated

cc: J. Goldberg, OGC

DISTRIBUTION:

PSantiago, OE

MBarry

Day File

EA File

DCS

OE	AD:OE
MBarry	PSantiago
08/5/94	08/3/94

Doc Name: G:\94124fed.bs

9408050104 940803  
NMSS LIC30  
20-05520-05 CF

ITEM #

2

B/B

IN310

REQUEST FOR ANALYSIS

Region I Laboratory

CONTROL NUMBER

301681

SAMPLE LOCATION (LICENSEE)

Omni-Wave Gloucester MA

LICENSE NO.

20-05520-05  
(expired)

DOCKET NO.

030-15075

SAMPLES SUBMITTED

#(TOTAL)	TYPE	VOLUME	WEIGHT	DATE SAMPLES SUBMITTED	PRIORITY
34	Dry wipes			11/10/94	ROUTINE
					<input checked="" type="checkbox"/> URGENT ***

SAMPLE COLLECTION INTERVAL				
	MONTH	DAY	YEAR	TIME
START	11	8	94	9 am
STOP	11	8	94	3 pm

INSPECTOR RESPONSIBLE

DOLCE

PHONE EXT.

5251

ANALYSIS TO BE PERFORMED	LIST DESIRED LLD (Optional)	OTHER TYPE OF ANALYSIS (Specify)	LIST DESIRED LLD (Optional)
GROSS ALPHA		X Cobalt 60	
GROSS BETA			
X GAMMA SPEC			
TRITIUM			
CARBON-14			
IODINE-125			

REMARKS: Red pen used to number wipes.  
Description of wipe locations attached.

B/4

NOTE: Samples will be discarded after analysis unless reasons are noted above in Remarks.

\*\*\* FOR URGENT USE ONLY— Signature Blocks below must be filled out by the Inspector's appropriate Section Chief and by the Chief, Effluents Radiation Protection Section BEFORE submitting this form to the Region I Laboratory.

SIGNATURE — APPROPRIATE NUCLEAR MATERIALS SAFETY SECTION CHIEF

E. Ulman for Mr. Shantley

DATE

11/10/94

SIGNATURE — CHIEF, EFFLUENTS RADIATION PROTECTION SECTION

DATE

ITEM # 3

(B)



20-05520-05(Expired)

Region I FORM 304  
(8/88)

U.S. NUCLEAR REGULATORY COMMISSION

SAMPLE RECORD SHEET  
REGION I LABORATORYLAB CONTROL  
NUMBER

301681

ROUTINE

DATE

URGENT

NEEDED

SAMPLE LOCATION

Omni - Wave Gloucester, MA

DATE ANALYSIS BEGAN

11-10-94

DATE COMPLETED

11-15-94

ANALYZED BY

DATE

COLLECTED BY

K. Dolce

DIVISION

DRSS

PHONE

5251

CONTACT NOTIFIED

DATE

APPROVED BY

JOK

DATE

11-15-94

SAMPLE				ANALYZE FOR	INSTRUMENT USED	QUANTITY USED	DATE COUNTED	COUNT TIME	GROSS COUNT	BACK- GROUND	NET COUNT		RESULT $\pm 1\sigma$ *
NO.	DATE	HOUR	DESCRIPTION										
1	11/8		wipes	gross $\beta$	LB 5100	1 wipe	11/10	10m	27	22	5 $\pm$ 7	0.266	2 $\pm$ 3
2									27		5 $\pm$ 7		2 $\pm$ 3
3									23		1 $\pm$ 7		0 $\pm$ 3
4									32		10 $\pm$ 7		4 $\pm$ 3
5									30		8 $\pm$ 7		3 $\pm$ 3
6									52		30 $\pm$ 9		11 $\pm$ 3
7									18		-4 $\pm$ 6		-1 $\pm$ 2
8									33		11 $\pm$ 7		4 $\pm$ 3
9									35		13 $\pm$ 8		5 $\pm$ 3
10									39		17 $\pm$ 8		6 $\pm$ 3
11									19		-3 $\pm$ 6		-1 $\pm$ 2
12									27		5 $\pm$ 7		2 $\pm$ 3
13									27		5 $\pm$ 7		2 $\pm$ 3
14									19		-3 $\pm$ 6		-1 $\pm$ 2
15									80		58 $\pm$ 10		22 $\pm$ 4
16									32		10 $\pm$ 7		4 $\pm$ 3
17									19		-3 $\pm$ 6		-1 $\pm$ 2

\* Random uncertainties reported are 1 standard deviation,  $1\sigma$ . small negative and other results  $\leq 2\sigma$  are interpreted as including "zero" or as not detected. If appropriate, estimates of possible systematic errors are reported in parentheses.

(pink) 2. INSPECTOR

**SAMPLE RECORD SHEET**  
REGION I LABORATORY

ROUTINE  
URGENT

DATE  
NEEDED

SAMPLE LOCATION

DATE ANALYSIS BEGAN

DATE COMPLETED

ANALYZED BY

DATE

COLLECTED BY

DIVISION

PHONE

CONTACT NOTIFIED

DATE

APPROVED BY

DATE

SAMPLE				ANALYZE FOR	INSTRU- MENT USED	QUANTITY USED	DATE COUNTED	COUNT TIME	GROSS COUNT	BACK- GROUND	NET COUNT		RESULT $\pm 1\sigma$ *
NO.	DATE	HOUR	DESCRIPTION										
18	11/8			gross $\beta^-$	413 5700	1 wipe	11/10	10 min	13	22	-9 $\pm$ 6	0.266	-3 $\pm$ 2 dpm/wipe
19									15		-7 $\pm$ 6		-3 $\pm$ 2
20									21		-7 $\pm$ 6		0 $\pm$ 2
21									30		8 $\pm$ 7		3 $\pm$ 3
22									13		-9 $\pm$ 6		-3 $\pm$ 2
23									22		0 $\pm$ 7		0 $\pm$ 3
24									23		1 $\pm$ 7		0 $\pm$ 3
25									11		-11 $\pm$ 6		-4 $\pm$ 2
26									17		-5 $\pm$ 6		-2 $\pm$ 2
27									11		-11 $\pm$ 6		-4 $\pm$ 2
28									17		-5 $\pm$ 6		-2 $\pm$ 2
29									10		-12 $\pm$ 6		-4 $\pm$ 2
30									13		-9 $\pm$ 6		-3 $\pm$ 2
31									19		-3 $\pm$ 6		-1 $\pm$ 2
32									18		-4 $\pm$ 6		-1 $\pm$ 2
33													
34													

$$LLD = \frac{4.66 \sqrt{22} \text{ cts}}{(10 \text{ min}) (0.268 \text{ cpm/dpm})} = 8 \text{ dpm}$$

\* Random uncertainties reported are 1 standard deviation,  $1\sigma$ . small negative and other results  $\leq 2\sigma$  are interpreted as including "zero" or as not detected. If appropriate, estimates of possible systematic errors are reported in parentheses.

LICENSE STATUS CHANGE CONTROL

Docket No. 030-15075

License No. 20-05520-05

Expiration Date: 4-30-90

Name: Omni-Wave

Address: 22 Blackburn Drive  
P.O. Box 660  
Gloucester, MA 01930

Licensee Contact: Raymond Jarr  
 (Name and Title) President

Date of Contact: \_\_\_\_\_

Telephone No. \_\_\_\_\_

Basis for retirement or termination Inspection (closeout)  
and Order.

Verification:

- |   |            |    |
|---|------------|----|
| a) Form 314 or <u>Equivalent</u>                                  | <u>Yes</u> | No |
| b) L/N <u>MIT</u> has received material and is authorized for it. | <u>Yes</u> | No |
| c) Close-out survey by licensee required.                         | Yes        | No |
| d) Close-out survey by NRC required.                              | <u>Yes</u> | No |

Action to be taken:

- |   |            |    |
|---|------------|----|
| a) <u>Retire</u> /terminate license (circle one)  | <u>Yes</u> | No |
| b) Change to status "4" on computer               | <u>Yes</u> | No |
| c) Remove from Docket Room after <u>6/95</u> date | <u>Yes</u> | No |
| d) L/N <u>NA</u> replaces/supersedes this one     | Yes        | No |

B/5

cc:  
 Expired License File  
 New License File (L/N)

Reviewer Sharon Johnson Date 12-14-94

Section Chief [Signature] Date 12/20/94

Entered ADP \_\_\_\_\_ Date \_\_\_\_\_

Status "4" verified \_\_\_\_\_ Date \_\_\_\_\_