

06-30423-01  
030-34615

## ENCLOSURE

On December 22, 1997, you submitted an application to perform industrial radiography using an Amersham Model 865 camera. Your application contained a letter signed by a District Manager from another NRC licensee allowing storage of the Amersham camera at their licensed facility.

We sent you a deficiency letter dated March 26, 1998 with 17 items requiring a response. This letter was returned by the U. S. Post Office as undeliverable.

On April 15, 1998 the NRC contacted the licensee you were going to use for storage of licensed material and learned that the District Manager was no longer employed by the licensee and that they no longer agreed to allow Megarad to store licensed material at their facility.

We found an alternative mailing address for you and sent you the deficiency letter with a cover letter dated April 16, 1998, requesting a response in 30 days.

In your letter, 32 days later, dated May 18, 1998, you provided only a partial response to the NRC concerns.

Upon our review of your May 18, 1998 letter, we had additional questions that we sent you in our letter dated June 10, 1998. One question of particular concern requested clarification the storage facility which is not owned by Megarad, but by another licensee. This letter also requested a response in 30 days.

In all of these earlier letters you identified yourself as a the Radiation Safety Officer (RSO), however it was determined that you have no training or experience using radiography licensed equipment. You subsequently named Dr. Jacob Kamen as the RSO, and two other individuals as consultants, in your letter dated January 16, 1999.

On February 24, 1999, the NRC issued you an industrial radiography license to use an Amersham Model 865 camera under the supervision of your RSO.

On May 5, 1999, we contacted Dr. Kamen who informed us that Megarad never possessed licensed material but that you planned to acquire such material in the near future. This information was confirmed via the on-site inspection on May 11, 1999.

In Dr. Kamen's letter to you dated July 10, 1999, he notified the NRC that he no longer wished to be associated with Megarad and would not act as the RSO.

In your letter dated July 30, 1999, you requested to amend your NRC license to name Richard Jastremski as the new RSO. We approved your request in Amendment No. 1 of your license on August 25, 1999.

On March 13, 2000, the NRC revoked your license for non-payment of fees.

On March 24, 2000, the NRC contacted you to ascertain the status of material under your license. You stated that you never received the Order of Revocation and that you should not be assessed fees because you have not performed any work under this license nor have you obtained any radioactive material under this license.

On June 12, 2000, we inspected your storage facility in Connecticut and noted that you have not possessed radioactive material under this license.

On May 7, 2001, we inspected your storage facility in Connecticut again and you still had not possessed radioactive material. In a telephone conversation with the inspector on May 17, 2001, you stated that you planned on obtaining radioactive material within 30 days. In the NRC's letter dated May 18, 2001, we informed you of the inspector's findings and told you that if you do not obtain or use licensed materials authorized by the above listed license by June 17, 2001, 10 CFR 30.36(d)(3) requires that you notify the NRC in writing indicating no principal activities have been conducted under this license for a period of 24 months.

In your facsimile dated October 28, 2001, you requested naming Garry Balestracci as your new RSO. We approved of this request in Amendment No. 2 dated November 14, 2001.

On December 26, 2001, your RSO requested to change your place of storage and mailing address. The new storage location would be at 5 Nealy Boulevard, Trainer, Pennsylvania; a location occupied by another NRC licensee. The new mailing address would be in Rhode Island, the RSO's residence. In our letter dated January 16, 2002, we requested additional information within 30 days. In the RSO's response dated February 28, 2002, he provided some of the requested additional information regarding the new storage facility and noted that no radioactive material was currently possessed by Megarad. On February 28, 2002, the NRC notified your RSO via a telephone conversation of the deficiencies still open that require a response.

On March 26, 2002, we voided this license amendment (actually 2 license actions) because you, nor your RSO, provided the additional information requested.

In our certified letter dated May 15, 2002, we again requested notification in accordance with 10 CFR 30.36(d)(3) and since the mailing address on the license (Niantic, CT) is no longer valid, we requested you amend or terminate your license.

In your RSO's letter dated May 14, 2002 (received May 20, 2002), he requested an amendment to your license. Specifically, providing more detail about the Trainer, Pennsylvania storage facility and the mailing address change to Rhode Island.

In our response dated July 3, 2002, we requested a reply to our May 14, 2002 letter and requested additional information regarding the agreement between Megarad and the other NRC licensee currently operating out of Trainer, Pennsylvania.

On September 4, 2002, we sent a threat to abandon letter unless you respond to our previous correspondence.

On October 4, 2002, your RSO faxed a partial response. Since the information requested is not complete, we have voided the request.

In summary, you have had an inactive NRC license (never possessed licensed material) and you have told the NRC on several occasions that you would be obtaining licensed material in the near future. It has been over 3 years and you have never obtained licensed material. You are having difficulty in responding to the NRC questions (3 voids). Your license is due for inspection again (annual frequency) and we don't know if we should go to Rhode Island, Pennsylvania, or New York, or all of the places indicated to conduct the inspection. We have provided a substantial amount of time and effort working with you when there has been no licensed material involved. We have had numerous telephone calls with your RSO, completed 2 on-site inspections, and written various letters. In your last correspondence, you cited "world events" as a delay in initiating your license activities. These same "world events" have caused us to place our resources where they are needed.

Based on this information, we have determined to terminate your license.