

November 5, 1996

Docket No. 030-32678  
CAL No. 1-96-011

License No. 37-28735-01

Mr. Abraham Zion, President  
Zion Bullitt Avenue Ltd. Partnership  
4630 Fieldstone Road  
Bronx, New York 10471

SUBJECT: CONFIRMATORY ACTION LETTER

Dear Mr. Zion:

On October 31, 1996, Kathleen Dolce of this office, accompanied by representatives from the Pennsylvania Department of Environmental Protection, conducted a safety inspection at the Zion Bullitt Avenue Ltd. Partnership facility in Jeannette, Pennsylvania of activities authorized by the above listed NRC license. The inspector observed the two Kay-Ray fixed gauges containing 1 and 5 curies of cesium-137 respectively, mounting brackets, four mounting bolts per gauge, shield housings, shutter mechanisms (in the closed position, but missing a padlock on the shutter), and all of which were in a rusted and deteriorating condition. The NRC is concerned about the deterioration of the entire facility (i.e., large holes in the roof, missing portions of the walls, and equipment dangling from overhead).

The Jeannette, Pennsylvania facility has not been in operation since 1983. In accordance with 10 CFR 30.36(d)(4) (The Timeliness Rule), you were required to submit a decommissioning plan and complete decommissioning of the facility by October 16, 1996. Decommissioning of a site with fixed gauges requires proper disposition of the gauges. Please note that the removal of these gauges must be performed by a specifically licensed person and, as we discussed, Mr. Harold Andree, Radiation Safety Officer (RSO) for Zion Bullitt, is not licensed to perform this work activity.

Pursuant to a telephone conversation between you and Frank Costello, of this office, on November 4, 1996, it is our understanding that you will take the following actions which will be completed by the dates specified:

1. By November 8, 1996, padlocks will be placed on the shutter mechanism of both gauges to prevent the shutter from opening in the event of a gauge falling to the ground.
2. By December 31, 1996, the gauges will be removed from the Jeannette, Pennsylvania facility by a person specifically licensed to perform such activities.
3. Between now and the time of removal, the Radiation Safety Officer will verify, at least weekly, that the gauges remain in place and have not been removed or fallen.

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4. By January 31, 1997, you will complete NRC Form 314 and request termination of your license.

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

- 1) Notify me immediately if your understanding differs from that set forth above;
- 2) Notify me 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; and
- 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 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.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Sincerely,

**Original Signed By:**  
Charles W. Hehl

Charles W. Hehl, Director  
Division of Nuclear Materials Safety

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A. Zion  
Zion Bullitt Avenue Ltd. Partnership

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cc:  
Commonwealth of Pennsylvania

Mr. James G. Yusko, CHP  
Pennsylvania Department of Environmental Protection  
Southwest Regional Office  
400 Waterfront Drive  
Pittsburgh, Pennsylvania 15222-4745

Mr. Harold Andree  
Zion Bullitt Avenue Ltd. Partnership  
Radiation Safety Officer  
7th and Bullitt Avenue  
Jeannette, Pennsylvania 15644

A. Zion  
Zion Bullitt Avenue Ltd. Partnership

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