

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Texas Engineering Experiment Station/Texas A&M University System (EA-01-029)
Nuclear Science Center (NSC) Research Reactor Facility
Docket No. 50-128

Subject: PROPOSED IMPOSITION OF CIVIL PENALTY - \$2,400

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$2,400 will be issued on or about May 21, 2001, to Texas Engineering Experiment Station/Texas A&M University System NSC. This action is based on a Severity Level II problem involving a shipment of radioactive material containing a total of 35 GBq and 1.6 GBq of Bromine-82 and Copper-64, respectively, that was shipped from a research reactor facility located in College Station, Texas on December 4, 2000. The shipment, intended for use in an industrial application, arrived in St. Croix, the Virgin Islands on December 8, 2000, with the radioactive material resting on top of the shipping container in an unshielded configuration. The personnel receiving the radioactive material shipment were trained radiation workers and took immediate corrective action to return the material to its shielded container and restored the container to an authorized configuration.

While preparing the radioactive material shipment using a Department of Transportation (DOT) Type 7A container, the licensee failed to ensure that a securing device was installed on the container closure mechanism as required by 10 CFR 71.5(a) and 49 CFR 173.475(c). The lack of a securing device was a primary factor in a chain of events that resulted in the breach of the container and a reconfiguration of the radioactive material to an unshielded condition. The breach of the container most likely occurred while the package was temporarily stored at a transportation facility located in Memphis, Tennessee. The shipment would then have continued on to its intended destination in an unshielded state. The individual or individuals involved in the breach were not identified. No abnormal exposure was identified for the transportation workers who were provided personal radiation monitoring devices. However, numerous unmonitored workers may have had contact with the shipment. As a result, the actual exposure received by members of the public could not be estimated.

The NRC staff recognizes that the sequence of events was influenced, in part, by the actions of transportation workers who failed to adequately respond when the integrity of the transportation container was breached. DOT has conducted its own investigation and is considering action regarding the involved transportation companies. Therefore, to more accurately characterize the significance of the licensee's actions, the NRC staff used discretion to mitigate the proposed civil penalty to \$2,400, which is 50 percent of the penalty determined after considering identification and corrective action.

It should be noted that the licensee has not yet been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Notice	May 21, 2001
Telephone Notification of licensee	May 21, 2001

The State of Texas and DOT will be notified.

The licensee has thirty days from the date of the Notice in which to respond. Following NRC evaluation of the response, the civil penalty may be remitted, mitigated, or imposed by Order.

Contacts: Christopher Nolan, OE, 301-415-2249; James Luehman, OE, 301-415-2741

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VERIFICATION THAT LICENSEE HAS RECEIVED ACTION

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