



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005

May 9, 2005

Susan Jarvi, Ph.D.
Radiation Safety Officer
Department of the Interior
U.S.G.S.-Biological Resources Division
Pacific Islands Ecosystems Research Center
P.O. Box 218, Bldg. 343
Hawaii National Park, HI 96718

SUBJECT: NRC INSPECTION REPORT 030-34685/05-001 AND NOTICE OF VIOLATION

Dear Dr. Jarvi:

This letter refers to the safety inspection conducted on April 25-26, 2005, at your facility located in the Hawaii Volcanoes National Park, Hawaii. The inspection was an examination of activities conducted under NRC License 53-27584-01 as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of the license. Within these areas, the inspection consisted of a selective examination of procedures and representative records. The inspection results were discussed with you at the conclusion of the onsite inspection. A final exit interview was conducted with you on May 5, 2005.

Based on the results of this inspection, the NRC has determined that one violation of NRC requirements occurred. This violation was evaluated in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy). The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **What We Do, Enforcement**, then **Enforcement Policy**. The violation cited in the enclosed Notice of Violation (Notice) involved the failure to notify the NRC within 60 days that no principal activities under the license had been conducted for a period of 24 months. The violation is being cited in the enclosed Notice because it was identified by the NRC during the inspection, rather than being self-identified by the licensee. The NRC 591M form that was left with you after the on site inspection was issued erroneously and should be disregarded.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/Adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction.

Department of the Interior.

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If you have any questions concerning this inspection, please contact Mr. Larry Donovan at (817) 860-8140 or the undersigned at (817) 860-8287.

Sincerely,

/RA/

Jeffrey Cruz, Chief
Nuclear Materials Inspection Branch

Docket No.: 030-34685
License No.: 53-27584-01

Enclosure: As stated

cc w/enclosure:
Hawaii Radiation Control Program Director

bcc w/enclosure via e-mail distrib:

LDWert

JCruz

JEWhitten

LDonovan

KEGardin

NMIB

RIV Materials Docket File (5th Floor)

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ENCLOSURE

NOTICE OF VIOLATION

Department of the Interior
Hawaii National Park Hawaii

Docket No. 030-34685
License No. 53-27584-01

During an NRC inspection conducted on April 25-26, 2005, one violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 30.36(d) requires, in part, that licensees provide notification to the NRC in writing within 60 days of any of the following occurrences:

- (1) The license has expired,
- (2) The licensee has decided to permanently cease principal activities at the entire site or in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with NRC requirements,
- (3) No principal activities under the license have been conducted for a period of 24 months, or
- (4) No principal activities have been conducted for a period of 24 months in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with NRC requirements.

Contrary to the above, from June 2002 to April 26, 2005, no principal activities under Byproduct Material License No. 53-27584-01 had been conducted for a period in excess of 24 months, and the licensee failed to notify the NRC in writing within 60 days of this occurrence.

This is a Severity Level IV violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, the Department of Interior, Inc., is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator, Region IV, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation; and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>, to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public 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.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 09th day of May 2005