



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

March 31, 2006

Docket No. 03009049
EA 06-008

License No. 08-00216-22

Astra Bain-Dowell, Ph.D.
Assistant Vice President
Health Research, Compliance & Technology Transfer
George Washington University
2300 I Street, N.W., Suite 712
Washington, DC 20037

SUBJECT: INSPECTION 03009049/2005001 AND OFFICE OF INVESTIGATIONS
REPORT 1-2005-007, GEORGE WASHINGTON UNIVERSITY,
WASHINGTON, DC

Dear Dr. Bain-Dowell:

On February 16, 2005, Todd Jackson and Jessie Quichocho of this office conducted a safety inspection at the above address of activities authorized by your NRC license. The inspection was in response to your December 13, 2004, telephone notification of NRC indicating that a technician: (1) failed to perform a required wipe test for removable contamination on a package containing radioactive material that had been received at the George Washington University; and (2) fabricated data to indicate the survey had been performed. The preliminary findings of the inspection were discussed with you, your Radiation Safety Officer Mr. Terry Johnson, and members of the Radiation Safety Office staff at the conclusion of the February 16, 2005 site visit.

On March 10, 2005, the NRC Office of Investigations opened an investigation to determine if the technician failed to perform a required survey and whether he falsified a required record. On December 5, 2005, the Office of Investigations issued their report (OI Report 1-2005-007) concluding that, on at least two occasions, the technician deliberately failed to perform a required survey and deliberately falsified a required record. Additional information, provided in the telephone conversations on January 19 and February 10, 2006, between Mr. Johnson and Mr. Jackson, clarified that while George Washington University had an expectation that wipe tests for removable contamination would be performed on every package of radioactive materials received, your written procedure mirrored the regulatory requirement in 10 CFR 20.1906(b) that specified only packages labeled as Radioactive White I, Yellow II or Yellow III, in accordance with Department of Transportation regulations, were required to be tested. Because the packages received by the technician were excepted from the requirement for labeling, no survey for removable contamination was required and the failure to perform the surveys and falsification of survey records did not constitute violations of 10 CFR 30.9(a) and 10 CFR 30.10(a)(1). Therefore, within the scope of this inspection, no violations were identified.

Current NRC regulations are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Industrial, and Academic Uses of Nuclear Material**; then **Toolkit Index Page**. The current NRC Enforcement Policy is included on the NRC's website at www.nrc.gov; select **What We Do, Enforcement**, then **Enforcement Policy**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays).

No reply to this letter is required. Your cooperation with us is appreciated.

Sincerely,

Original signed by George Pangburn

George Pangburn, Director
Division of Nuclear Materials Safety

Enclosure:
Inspection Report 03009049/2005001

cc:
Terry A. Johnson, C.H.P., Radiation Safety Officer
District of Columbia

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U.S. NUCLEAR REGULATORY COMMISSION
REGION I

INSPECTION REPORT

EA 06-008

Inspection No. 03009049/2005001

Docket No. 03009049

License No. 08-00216-22

Licensee: The George Washington University

Location: 2300 I Street, NW
Washington, D.C. 20037

Inspection Date: February 16, 2005 - February 10, 2006

Inspector:	<i>Original signed by James P. Dwyer</i>	<i>March 20, 2006</i>
	_____ Todd J. Jackson, CHP Senior Health Physicist	_____ date
Approved by:	<i>Original signed by James P. Dwyer</i>	<i>March 20, 2006</i>
	_____ James P. Dwyer, Chief Commercial and R&D Branch Division of Nuclear Materials Safety	_____ date

EXECUTIVE SUMMARY

The George Washington University
NRC Inspection Report No. 03009049/2005001

An unannounced inspection was performed by NRC on February 16, 2005. Additional telephone discussions were conducted with the licensee on January 19 and February 10, 2006. The inspection scope was limited to programs and activities related to the receipt of packages containing radioactive materials. The inspectors examined the licensee's management controls for the safe use of radioactive materials through interviews of personnel and review of selected program records. Also reviewed was the licensee's December 13, 2004, telephone report to the NRC stating that a package had been identified for which receipt contamination survey data appeared to have been fabricated, in violation of the licensee's procedures and identified by the licensee as a violation of regulatory requirements. The inspectors determined that although the failure to perform receipt contamination surveys of the two packages reported was not in conformance with the licensee's practices, this did not constitute a violation of NRC regulations because the quantity of radioactive material in each package was less than the amount specified in the regulations and was therefore excepted from requirements for a receipt contamination survey. No violations of NRC requirements were identified.

REPORT DETAILS

I. Management Oversight of the Program

a. Inspection Scope

The scope of this inspection was limited to programs and activities related to the receipt of packages containing radioactive materials. The inspectors examined the licensee's management controls for the safe use of radioactive materials through interviews of personnel and review of selected program records.

b. Observations and Findings

Orders to purchase radioactive materials require approval by the Radiation Safety Officer (RSO) or a designee before being placed, assuring that ordered materials are in accordance with the license and are expected for receipt. The process was described in "Procedures for Authorizing, Ordering and Receiving Radioactive Material." An undated copy of this document was provided to the inspectors. The inspectors noted there was no revision number or other unique identifier on the document typically used to indicate when changes had been made to such procedures and for what dates the specific revision is in effect. Paragraph G of the document specified that a memorandum defining the material ordering and receiving procedures described would be sent annually, and whenever there is a change, to each authorized user, the George Washington University (GWU) Police, and to the Receiving Department. The described annual memorandum was not available for calendar years 2004 and 2005, and the licensee was not able to demonstrate that the memorandum was current, as required by the licensee's procedure.

c. Conclusions

The inspectors noted that the absence of the annual memorandum specified by the licensee's procedure was not in conformance with the licensee's policy; however, this non-conformance did not constitute a violation of regulatory requirements. No violations of NRC requirements were identified.

II. Material Receipt, Use, Transfer, and Control

a. Inspection Scope

The inspectors examined practices and procedures for ordering, receiving, surveying, and distributing packages containing radioactive materials through interviews of licensee personnel and review of written procedures, selected records of surveys, and other program documentation.

b. Observations and Findings

Packages containing radioactive material were delivered to the licensee's receiving department. The receiving department transferred packages of radioactive materials to one location designated by the RSO, a room where receipt surveys were performed. Package radiation surveys were performed according to written procedure, "Procedure to Safely Open Radioactive Material Packages," revised February 7, 2001. While the procedure stated that receipt contamination surveys were not required for packages which did not require labeling as radioactive, the licensee stated that contamination surveys were expected to be performed on all packages containing radioactive material.

One researcher interviewed by the inspectors stated that most radioactive material packages were delivered to the lab by Radiation Safety Office personnel; however, on one occasion, a package had been incorrectly delivered directly to the lab bypassing the necessary receipt survey. The researcher had called the radiation safety office about the improper delivery and licensee staff responded to perform the receipt survey.

The designated package receipt room contained equipment necessary for surveys, including a liquid scintillation counter (LSC) for analyzing smear samples. Most receipt surveys had been performed by the Sr. Health Physics Technician (HPT) until that individual resigned in December 2004, after which surveys were performed by the RSO. The RSO reported to the NRC that packages received on two occasions had not been surveyed as required by procedure. The licensee identified in late November 2004, and notified the NRC on December 15, 2004, that packages received on October 4 (containing 351 microcuries of phosphorus-32) and October 22 (containing less than 3 microcuries of iodine-125), 2004, were delivered to the researcher who ordered them without completion of the required receipt surveys. While receipt surveys were recorded as having been performed, no printout from the LSC existed for these packages, thereby showing that no smear samples had been analyzed for these packages. The RSO investigated the circumstances surrounding the missing survey data and determined that the documentation of the receipt surveys was incorrect and that the surveys had not been performed.

The licensee stated that after determining these receipt surveys had not been performed, some compensatory surveys were completed in the areas where the packages had been stored. No contamination was detected by these compensatory surveys. The licensee also noted that no contamination had been detected on any packages received since January 1, 2001, indicating it was unlikely that any contamination had been present on the unsurveyed packages.

c. Conclusions

The missing surveys for the two packages reported by the licensee were not required by NRC regulations because the quantities of radioactivity in each were less than the amount which required the packages to be labeled. The packages were therefore excepted from required receipt contamination surveys. It has been the licensee's practice to survey all packages, and this practice was not followed for the referenced packages. No violations of NRC requirements were identified.

III. Training of Workers

a. Inspection Scope

The inspectors examined records of training provided to workers, especially related to training in the performance and documentation of surveys of packages containing radioactive materials.

b. Observations and Findings

The licensee described training provided to the HPT regarding performance of package receipt surveys and provided the inspectors with an undated document describing a refresher training session reportedly conducted on November 18, 2004. The licensee had no other documentation of training provided to the HPT, including any record of initial training administered when the HPT began employment at GWU approximately one year earlier. The HPT stated to NRC personnel that he had been trained by the RSO when he began working at GWU, including on-the-job training during the first week of employment coupled with a demonstration of proficiency in performing package receipt surveys. The inspector discussed with the RSO the importance of documenting activities performed to comply with NRC regulations.

c. Conclusions

The licensee acknowledged that the recordkeeping system was in need of improvement, and stated that future training records would be created. No violations of NRC requirements were identified.

IV. Exit Meeting

a. Inspection Scope

The inspectors conducted a preliminary exit meeting at the conclusion of the inspection on February 16, 2005, with the individuals identified in this report.

b. Observations and Findings

The inspectors described the scope of the inspection and presented the observations and findings to the licensee.

c. Conclusions

The licensee acknowledged the inspection findings.

PARTIAL LIST OF PERSONS CONTACTED

Licensee

T. Johnson, RSO +*

G. Hall, Office Assistant, Radiation Safety +*

A. Bain-Dowell, Ph.D., * Assistant Vice President, Health Research,
Compliance & Technology Transfer

C. Delafuente, Authorized User

K. Kennedy, Radiation Safety Committee Chairperson

+ Denotes those present at the entrance meeting

* Denotes those present at the exit meeting.