



August 20, 2010

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United States Nuclear Regulatory Commission
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SUBJECT: Response to Notice of Violation: Docket No. 030-05154, License 24-13365-01

This is in response to the Notice of Violation (NOV) 030-05154 issued by the Nuclear Regulatory Commission (NRC) to Analytical Bio-Chemistry Laboratories, Inc. (ABC). ABC is committed to correct any deficiencies in our radiation safety program and carry out our license obligations in a thorough and complete fashion. To that end, please find our responses to the above noted NOV.

Violation A states briefly that "the licensee released Buildings A and B for unrestricted use without conducting a survey that met the requirements of NUREG-1556, Appendix S." The specific violation involved was that the radiation meter used for the survey of Buildings A and B for their release for unrestricted use did not have the sensitivity required under Appendix S to NUREG 1556, Volume 11. Under Appendix S, the maximum average fixed contamination levels for unrestricted use of facilities and equipment where carbon-14 has been used is 5,000 dpm/100 cm². The NOV states that the minimum detectable activity for the survey equipment actually used was 10,271 dpm/100cm².

Our investigation of the circumstances confirms that the technician making the Building A and B surveys did use an incorrect survey meter, using a Model 3 when a Model 2241 - which was of appropriate sensitivity - should have been employed. Our investigation of this matter has led us to conclude that the root causes of this violation were (i) insufficient communication of survey protocols and standards by the Radiation Safety Officer (RSO) to the in-house technician performing the surveys and (ii) lack of specific employee training procedures about the sensitivity requirements for survey equipment.

We have already completed numerous corrective actions in this regard as follows:

- 1) The need for using the appropriate meter was verbally reinforced to the technician in question, along with an explanation of why the Model 2241 was appropriate.
- 2) Model 3 meters will be labeled as inappropriate for use in radiation surveys of areas being released for unrestricted use.
- 3) Our activities for release of areas for unrestricted use were

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suspended until our survey and meter procedures were reviewed and clarified. All facility surveys are being performed with the correct meters, and this will continue to be implemented on an ongoing basis so that we remain in compliance. 4) In early July 2010, we conducted training of our employees involved in performing radiation surveys to emphasize the need to use survey meters of appropriate sensitivity and to provide instruction on the proper use of such meters. 5) We have searched for and recently retained a new RSO with more experience and better qualifications than the previous RSO. The background and credentials for the new RSO have been previously furnished to NRC. NRC has orally approved the new RSO and has indicated that the license amendment confirming the new RSO will be forthcoming.

Additional corrective actions that will be implemented include the following: 1) Our radiation safety training program for new employees and periodically for all employees will be revised to emphasize the appropriate meter use and sensitivity for radiation surveys. We will complete the revisions to our training protocols on or before December 31, 2010, and will assure implementation of these changes on an ongoing basis. 2) Our standard protocols for future decommissioning work will include instruction in survey meter use. Our implementation of this corrective action will be ongoing. 3) Our Radiation Safety policies on our Intranet will be revised to include specific information about the appropriate meters for surveys of various types including surveys for release of areas for unrestricted use. We will complete this revision on or before December 31, 2010.

Violation B states briefly that "Specifically, during demolition activities on a fume hood drain line, an unexpected spill of a radioactive contaminated liquid from a vent duct drain line occurred contaminating a laboratory countertop. The worker did not properly inform the RSO, but continued decontamination efforts." Our investigation of this circumstance has led us to conclude that the technician involved did not recognize the obligation to notify the RSO for what he viewed as a minor spill, and he simply continued this work. We believe that the root cause of this circumstance was a lack of specific training for the technician.

We have already completed the following corrective actions in this regard: 1) We have removed all ABC employees from direct decommissioning efforts in Building D. All such remediation is now being performed by an outside remediation company with substantial experience to perform the remediation tasks. We monitor the contractor's work for compliance with our obligations under our NRC license, as confirmed by daily meetings of our new RSO or his designee with the remediation contractor on compliance status and procedures. 2) As noted above, we have retained a more experienced, better qualified RSO. 3) All ABC personnel who have been involved in decommissioning work have already been trained and are knowledgeable in the need to notify the RSO of any spills involving any level of radiologically contaminated materials. Future corrective actions will include the following: 1) Our periodic training program for all employees will be revised to emphasize the need to notify the RSO of spills of radiological materials, and an updated training for all employees will be conducted on or before December 31, 2010. 2) We will write and include in our Radiation Safety procedures on our Intranet a spill procedure that will apply specifically to radiological materials. This task will be completed on or before December 31, 2010.

We believe that we have identified the circumstances, and their root causes, underlying these violations and that our corrective actions as described in this letter address those matters thoroughly. We will continue to work toward better training and more thorough supervision of these activities. We emphasize the commitment of ABC and its management to compliance with all of ABC's obligations to NRC under our license and applicable NRC regulations and guidance. As always, we value the comments of the NRC staff and look forward to your reply.

ANALYTICAL BIO-CHEMISTRY LABORATORIES, INC.

By: Scott Ward

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