

U.S. NUCLEAR REGULATORY COMMISSION**Date:** July 30, 2013**TELEPHONE CONVERSATION RECORD**

Mail Control or Report No(s).	N/A	License No(s).	Non-Licensee	Docket No(s).	99990001
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Name of Licensee: Department of Health and Human Services, Food and Drug Administration

Name of Participant(s): Mary Walker, Ph.D., Researcher
Steven R. Courtemanche, Health Physicist NRC Region I

Telephone No. 301-796-2558, 610-337-5075

Subject: Radioactive Material Identified in a Laboratory Freezer.

(NOTE: This will be used as the Documents Title in ADAMS)

7/19/2013 (09:43) Dr. Walker left a message on my voice-mail that a vial containing tritiated nicotine, a radioactive material (RAM), was found in a laboratory freezer by a researcher. 7/22/2013 (10:05) I left a message on Dr. Walker's voice-mail requesting that she provide me with times when she would be available to provide me information on the incident. (16:50) Dr. Walker left a message on my voice-mail indicating that the best time to speak with her was between 06:00 and 08:00. 7/23/2013 (06:50) Dr. Walker described the discovery as follows: A researcher was assigned laboratory space and, in the process of cleaning out the freezer, identified a vial marked as containing RAM. Dr. Walker responded and noted that the vial was frozen over, the vial contained tritiated nicotine and the initial activity in the vial was 250 microcuries. Dr. Walker requested direction on how to proceed. I stated that the freezer should be surveyed to determine if the ice was contaminated and again after it was defrosted, the freezer should be posted to remind individuals not to put anything in or out of the freezer, the origins of the RAM should be investigated, and the RAM should be transferred/disposed of by a license vendor as soon as possible. 7/24/2013 (07:45) Dr. Walker provided me an update. The scientist, whose name was on the vial, was a transfer from Baylor University who left the agency in 2009. A review of order requests and receipt records, when the agency was an NRC licensee, did not identify a record with the scientists name nor the type of RAM stored in the freezer. When the agency consolidated use in their current location, scientists provided a statement indicating whether or not RAM was to be transported to the new building. All of the scientists indicated that RAM would not be brought to the new building. The scientist's name was not on any of the aforementioned documents. RSO, Inc. was contracted to make the surveys and dispose of the RAM. The samples of the ice had been taken by RSO, Inc. and were being analyzed. The vial had been removed from the freezer and placed in a fume hood which would also be surveyed once the vial was packaged for disposal. 7/25/2013 (07:20) Dr. Walker provided an update. The scientist arrived from Baylor University in 2003 which postdated the consolidation effort. A paper was found on the internet indicating that a study using the same type of RAM was performed by the scientist at Baylor University prior to 2003. Using the lot number on the vial, information from the manufacturer was that the RAM had been distributed in 1995 but records no longer existed as to what institution ordered the material. The conclusion that Dr. Walker and her agency came to was that the RAM was transported to the agency from Baylor University by the scientist in 2003 or shortly thereafter and that the RSO was not notified of the transfer. 7/26/2013 (11:05) I informed Dr. Walker that after consultation with management and other staff members, it was

decided that the transfer occurred under 10 CFR 30.18. The regulation exempts the non-commercial transfer of RAM which does not exceed the limits found in 10 CFR 30.71 Schedule B from the regulations. AS such, a Notice of Violation for possession of RAM without an NRC license and a failure to conduct a proper survey when the license was terminated would not be issued. The licensee should continue to survey the laboratory for residual contamination and disposing of the RAM. Dr. Walsh stated that the agency would continue their efforts to perform the surveys and dispose of the Ram which she indicated would be completed by the following Friday ((August 2nd).

Action Required: None

Document Availability:

Publicly Available

Non-Publicly Available

Non-Sensitive

Sensitive – Privacy Act/ PII

Immediate Release

Non-Sensitive Copyright

Sensitive – Internal

Normal Release Date: 08/07/2013

Sensitive- Proprietary

Sensitive – Security-Related

Delayed Release Date:

SUNSI Review Completed By: Steven Courtemanche / RA /