



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

DOCKETED
USNRC

September 17, 1997

'97 SEP 17 P5:11

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Debra S. Katz, Esq.
Bernabei & Katz
1773 T Street, N.W.
Washington, DC 20009

David J. Marshall, Esq.
Bernabei & Katz
1773 T Street, N.W.
Washington, DC 20009

Dear Ms. Katz and Mr. Marshall:

The U.S. Nuclear Regulatory Commission (NRC) staff has completed its review of the Petition dated October 10, 1995, and its supplements dated March 25, 1996, and July 10, 1997, submitted on behalf of Maryann Wenli Ma and Bill Wenling Zheng (Petitioners) in regard to the National Institutes of Health (NIH) Materials License No. 19-00296-10. The Petition was evaluated pursuant to 10 C.F.R. §2.206.

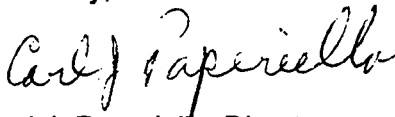
For the reasons given in the enclosed Director's Decision (DD 97-22), the following requests of Petitioners are granted in part: for enforcement action against NIH for violations of NRC security and control requirements and for violation of NRC requirements related to radiation safety training, ordering radioactive materials, inventory control of radioactive materials, monitoring, and the issuance, use, and collection of dosimetry. Petitioners' request for NRC action to ensure adequate procedures and instructions to exposed persons for sample collection is granted as described in the enclosed decision. The following requests of Petitioners for enforcement action against NIH are denied: for the exposure of Dr. Ma beyond regulatory limits, for the exposure of Dr. Ma's fetus, and for the contamination of the water cooler; regarding notification to Dr. Ma of her level of contamination; regarding Dr. Ma's declaration of pregnancy; regarding the conduct of surveys after Dr. Ma's contamination; and for the failure to accurately calculate Dr. Ma's occupational radiation dose. Finally, Petitioners' request to suspend or revoke the NIH license is denied.

A copy of the Director's Decision will be filed with the Secretary of the Commission for Commission review in accordance with 10 C.F.R. §2.206(c) of the Commission's regulations. As provided by Section 2.206, the Director's Decision will constitute the final action of the Commission 25 days after issuance, unless the Commission, on its own motion, institutes a review of the Decision.

18506

I have also enclosed a copy of the notice of the issuance of DD-97-22, which is being filed with the Office of the Federal Register for publication. The notice includes the complete text of DD-97-22.

Sincerely,



Carl J. Paperiello, Director
Office of Nuclear Material Safety
and Safeguards

cc: Michael M. Gottesman, M.D., NIH
Robert B. Lanman, NIH
Burt M. Kahn, Esq.

Enclosures: 1. Directors Decision DD-97-22
2. Notice

September 17, 1997

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Sincerely,

(Original signed by)

Carl J. Paperiello, Director
Office of Nuclear Material Safety
and Safeguards

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Robert B. Lanman, NIH
Burt M. Kahn, Esq.

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DATE	9/12/97	9/3/97	9/15/97	9/15/97	9/17/97

*See previous concurrence

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Sincerely,

Carl J. Paperiello, Director
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Coordinated with

J. Lieberman, OE 9/5/97
R. Fortuna, OI 9/10/97
R. Blough, RI 9/11/97

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DATE	9/12/97	9/3/97	9/15/97	9/15/97	9/ /97