

ENCLOSURE
NOTICE OF VIOLATION

U.S. Department of Health and Human Services
Research Triangle Park, NC

Docket No. 030-05596
License No. 32-12358-01

During the Nuclear Regulatory Commission (NRC) inspection conducted on September 6-7, 1989, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1989), the violation is listed below:

License Condition 12.E requires that, if a leak test on a radioactive sealed source reveals the presence of 0.005 microcuries or more of removable contamination, a report be filed with the NRC within five days of the date the leak test result is known describing the equipment involved, the test results and corrective action taken.

Contrary to the above, on December 28, 1988, and on September 1, 1989, leak test results in excess of 0.005 uCi were obtained by the licensee and, although adequate corrective actions were taken, the required reports to the NRC were not made.

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

Pursuant to the provisions of 10 CFR 2.201, the U.S. Department of Health and Human Services, Public Health Service, National Institute of Environmental Health Sciences is hereby required to submit a written statement or explanation to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator, Region II, within 30 days of the date of the letter transmitting this Notice. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include: (1) admission or denial of the violation, (2) the reason for the violation if admitted, (3) the corrective steps which have been taken and the results achieved, (4) the corrective steps which will be taken to avoid further violations, and (5) the date when full compliance will be achieved. Where good cause is shown, consideration will be given to extending the response time. If an adequate reply is not received within the time

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specified in this Notice, an order may be issued to show cause why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken.

FOR THE NUCLEAR REGULATORY COMMISSION



William E. Cline, Chief
Nuclear Materials Safety and
Safeguards Branch
Division of Radiation Safety
and Safeguards

Dated at Atlanta, Georgia
this 12 day of November 1989