

DCS



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

APR 13 1990

Docket Nos. 030-00582
030-06886
070-00053
License Nos. 06-00183-03
06-00183-06
SNM-52

EA 89-131

Yale University
ATTN: Benno C. Schmidt, Jr.
President
43 Hillhouse Avenue
New Haven, Connecticut 06520

Gentlemen:

- Subjects: (1) ORDER IMPOSING CIVIL MONETARY PENALTIES - \$12,000
- (2) RESPONSE TO REQUEST, DATED JANUARY 16, 1990, TO RESCIND THE ORDER (DATED SEPTEMBER 26, 1989) TO SHOW CAUSE WHY THE LICENSES SHOULD NOT BE MODIFIED

This letter refers to your letter, dated December 20, 1989 in response to the Notice of Violation and Proposed Imposition of Civil Penalties (Notice), as well as your letter dated January 16, 1990, in response to the Order to Show Cause (Order). Both the Notice and Order were sent to you by our letter dated September 26, 1989. Our letter and Notice described violations which occurred during the first quarter of 1989 and which were reviewed and/or identified during an NRC inspection conducted on May 30 - June 2, 1989. The violations involved an extremity overexposure to the finger of a research investigator's hand, as well as numerous violations of your radiation safety program. To emphasize the need for increased and improved management attention to, and oversight and control of, the radiation safety program, cumulative civil monetary penalties in the amount of \$12,000 were proposed.

In your response to the Notice, you admit the cited violations for which the civil penalties were proposed but request that the civil penalties for the violations described in Sections I and II of the Notice be mitigated, for reasons described in your response. You did not request mitigation of the proposed \$750 civil penalty for the violation in Section III.

After careful consideration of your response, we have concluded, for the reasons set forth in the Appendix attached to the enclosed Order Imposing Civil Monetary Penalties, that (1) the violations did occur as stated in the Notice; and (2) a sufficient basis was not provided for a reduction of the proposed \$5,000 and \$6,250 civil penalties for the violations set forth in Sections I and II of the Notice, respectively. Accordingly, we hereby serve the enclosed Order on Yale University imposing cumulative civil monetary penalties in the amount of \$12,000.

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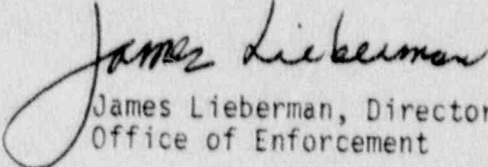
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In your January 16, 1990 response to the Order to Show Cause, you requested, in light of several program enhancements described in that response, that the Order be rescinded. After careful consideration of your response, the NRC has concluded that the specific program enhancements specified in your letter appear to address the substantive issues of concern that formed the basis for the Order. Therefore, as discussed between Mr. Kenneth Price of your staff and Mr. Frank Costello of the NRC staff on April 6, 1990, the NRC will consider rescinding the Order if these program enhancements are incorporated into your license. You should submit to the Region 1 office, within 30 days of the date of this letter, an amendment request that incorporates into your license (1) a clear description of the specific program enhancements described in your letter dated January 16, 1990, and (2) a commitment to continue each of those enhancements.

With regard to your corrective action for Violation 11.A.2, your amendment request must specify that researchers will be required to follow a thyroid bioassay frequency schedule at least equivalent to that specified in Regulatory Guide 8.20, "Applications of Bioassay for I-125 and I-131." We will review the effectiveness of your corrective actions for the violations described in the Notice during a subsequent inspection.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and the enclosures will be placed in the NRC's Public Document Room.

Sincerely,


James Lieberman, Director
Office of Enforcement

Enclosures: As Stated

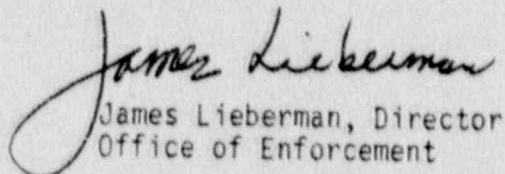
cc w/encls:
Public Document Room (PDR)
Nuclear Safety Information Center (NSIC)
State of Connecticut

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With regard to your corrective action for Violation II.A.2, your amendment request must specify that researchers will be required to follow a thyroid bioassay frequency schedule at least equivalent to that specified in Regulatory Guide 8.20, "Applications of Bioassay for I-125 and I-131." We will review the effectiveness of your corrective actions for the violations described in the Notice during a subsequent inspection.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and the enclosures will be placed in the NRC's Public Document Room.

Sincerely,


James Lieberman, Director
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