



ENVIRONMENTAL HEALTH & SAFETY OFFICE

IRVINE, CALIFORNIA 92717

Docket No. 030-20450
License No. 04-23279-01
March 2, 1993

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

Dear Sir/Madam:

RE: Reply to a Notice of Violation

This letter is a reply to a Notice of Violation, dated February 10, 1993, which refers to an NRC inspection conducted on January 12, 15 and 19, and February 2-3, 1993 by Mr. David D. Skov of the Radioactive Materials Safety Branch, NRC Region V.

Our responses to the two cited violations are as follows:

1. Unauthorized Storage of Licensed Material in Alaska (License Condition 10)

There was some confusion on the part of the research investigator in Alaska, who was an employee of the U. S. Fish and Wildlife Service while he was a part-time graduate student at the University of California, Irvine, as to his role in, and responsibilities for, the use of the licensed material. He was also involved with research activities of the University of Alaska, Fairbanks by storing licensed material (the same nuclide and chemical form) for them in the same location. The University of Alaska, Fairbanks has a provision in its license to permit storage anywhere in Alaska, while we do not.

There is no radioactive material stored under this license in Alaska at the present time, nor has there been any since May 1992. In addition, no additional material is expected to be used in Alaska during at least the next year, due to lack of funding for further field work at the present time. The need for storage of the material in Alaska was not anticipated when the application for this license was prepared and submitted to the NRC in 1988. It will expire on May 31, 1993, and we have already received the packet to apply for its renewal. We will include provisions for storage of licensed material in Alaska in our renewal request, and will agree to not possess any radioactive materials in Alaska until our renewed license is issued.

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2. Failure of an Authorized User to Adequately Supervise a Research Investigator's Use of Licensed Material in Alaska (License Condition 11)

The responsible principal investigator (the authorized user) now understands his responsibility for supervising the material in Alaska. He has agreed to be physically present in Alaska whenever any radioactive materials are in use or storage, or to add an investigator to the license as an authorized user of the material who will be physically present in Alaska whenever any radioactive materials are in use or storage. The responsible principal investigator, or other authorized user in Alaska, will not need to be physically present at the site of the research at all times, but will be available to be at the site as needed to adequately supervise the research operations.


We have made the following changes in our management control system to assure compliance with NRC license requirements:

- ☐ The responsible principal investigator has agreed that the research investigator from the U. S. Fish and Wildlife Service will not be involved in handling or storing our licensed material in the future.
- ☐ The radiation safety staff will conduct a review of the use of radioactive materials in Alaska on an annual basis, rather than every two years as has been the case in the recent past when the frequency of reviews was based on the hazard category of the use of the material (every two years for this project).
- ☐ The training and experience requirements for new research investigators have been increased since the researcher involved in the unauthorized storage in Alaska received his initial training. In the past, merely passing a radiation safety quiz would permit full qualification as a radioisotope user, but now all new research investigators must attend a radiation safety seminar (or have attended an equivalent seminar at another institution). Future personnel who handle licensed material will complete the more rigorous requirements now in effect.
- ☐ Prior to the use of licensed material in Alaska, all personnel authorized to handle such material will receive a copy of the license and will have a radiation safety meeting to review all license conditions.

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If you have any further questions or need any additional information, please contact Frank E. Gallagher, III at (714) 856-6904.

Sincerely,

A handwritten signature in dark ink, appearing to read "William N. Smirl", with a stylized, cursive script.

William N. Smirl
Director

cc: F. E. Gallagher, III
G. L. Hunt
J. E. Manning
NRC Regional Administrator
for Region V