

ENCLOSURE

NOTICE OF VIOLATION

Merck & Company, Inc.
Elkton, Virginia

Docket No. 030-06552
License No. 45-03302-01

During an NRC inspection conducted April 1, 1993, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the violations are listed below:

Condition 13 to License No. 45-03302-01, requires, in part, that the licensee conduct its program in accordance with the statements, representations, and procedures contained in the documents including any enclosures in the letter dated November 16, 1989. A copy of Stonewall Safety Guide No. 26, The Safe Handling Of Radioisotopes was an enclosure to the November 16, 1989 letter.

- A. Item 3.5.3 of Safety Guide No. 26 states, in part, that the licensee's Radiation Safety Committee will meet at least quarterly.

Contrary to the above, the licensee's Radiation Safety Committee did not meet in the second quarter of 1989 and 1990, the second, third and fourth quarters of 1991, and the second and third quarters of 1992.

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

- B. Item 11.4.1.3 of Safety Guide No. 26 states that the licensee will perform monthly removable contamination surveys in laboratory areas where only small quantities of radioactive material are processed (less than 200 microcuries at a time).

Contrary to the above, in July, November, and December, 1992 and January, 1993, the licensee used up to 200 microcuries at a time of sulfur-35 in the Molecular Biology Laboratory, Building 80A, and did not perform removable contamination surveys in those months.

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

Pursuant to the provisions of 10 CFR 2.201, Merck & Company, Inc. is hereby required to submit a written statement or explanation to the Regional Administrator, Region II, with a copy to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. If an adequate reply is not received within the

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time specified in this Notice, an order or demand for information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

Dated at Atlanta, Georgia
This 27th day of April 1993