

OCT. 02 1990

Docket No. 030-12779

License No. 37-17452-01

University City Science Center  
ATTN: Robert Krutsick  
Interim President  
3624 Market Street  
Philadelphia, Pennsylvania 19104

Gentlemen:

Subject: Inspection No. 030-12779/89-001

This letter refers to (1) a routine NRC inspection of your facility conducted in September 1989, (2) an NRC Office of Investigations (OI) investigation to review an allegation that a former employee of your facility took actions intended to violate NRC requirements, and (3), a concern that certain of your actions may have discouraged your employees from raising perceived safety concerns.

On September 13, 1989, John Miller and Francis Costello of this office conducted a routine, unannounced, safety inspection of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selective examination of representative records. The findings of the inspection were discussed with you and Robert Alper at the conclusion of the inspection. A copy of the NRC inspection report is enclosed.

Based on the results of this inspection, it appears that certain of your activities were not conducted in full compliance with NRC requirements. A Notice of Violation is enclosed as Appendix A and it categorizes each violation by severity level in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (Enforcement Policy) (1989). You are required to respond to this letter and, in preparing your response, you should follow the instructions in Appendix A.

With regard to item A in the enclosed Notice of Violation, we note that your NRC license was amended on January 4, 1990, to add the individual described. Therefore, you need not describe specific corrective actions for this violation. You should, however, describe your general actions to assure that licensed material will only be used by properly authorized individuals.

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Item A in the Notice of Violation also was identified during a previous inspection of your licensed activities and documented in a Notice of Violation enclosed with our letter dated January 6, 1987. From our September 13, 1989, inspection, it appears that your corrective actions were not effective since this item has recurred. Recurrent and uncorrected violations are given additional weight in the consideration and selection of appropriate enforcement action. Therefore, in your response to this letter, you should give particular attention to those actions taken or planned to ensure that identified items of noncompliance will be completely corrected and will not recur.

In addition to the inspection discussed above, the NRC's Office of Investigations reviewed allegations that a former employee of the University City Science Center (UCSC) intended to obtain and use radioactive material without the authorization of an NRC license. The investigation results indicate that this individual took actions which were intended to violate NRC requirements while he was in your employ. Unknown to the individual, the amount of licensed material involved was sufficiently small and the circumstances such that the radioactive material which was obtained was exempt from any requirement for an NRC license. Although no violation of NRC requirements actually occurred, and therefore, no enforcement action is being taken, you should emphasize to your employees the importance of strict adherence to NRC requirements, and assure they are aware that any intentional violation of NRC regulations may result in criminal prosecution. A copy of the Investigation Synopsis is enclosed for your information. No response to this matter is required.

Our letter to you dated December 20, 1989 requested that you (1) provide a basis for employment actions affecting an employee who raised safety concerns with the NRC, and (2) describe your actions to assure that those employment actions do not have a chilling effect in discouraging other employees from raising perceived safety concerns. This letter was based on a finding by a U.S. Department of Labor (DOL) Area Director that discriminatory actions were taken against the individual. This matter before Department of Labor was subsequently settled between you and the individual, and the settlement was approved by the Secretary of Labor on July 26, 1990. The NRC is currently evaluating the DOL findings, and any NRC action on this matter will be sent to you by separate correspondence at a later date.

Your letter dated February 8, 1990, in response to the NRC letter dated December 20, 1989 explained the basis for the employment actions and described your plans to assure that other employees are not discouraged from raising perceived safety concerns. Your letter stated that your employees will be informed that "any known or suspected NRC violations or safety concerns are to be reported immediately to the employee's immediate supervisor and radiation safety officer" and that "the NRC can be contacted directly if they believe that corrective action is not being taken". Frank Costello of my staff discussed this with you in a telephone conversation on March 15, 1990, and stated the NRC's concern that your statement seemed to imply that staff should not approach NRC directly with their concerns and expressed the NRC position that your employees must know that they can contact the NRC directly with their safety concerns if they choose. You stated that it was not your intent to discourage employees from directly contacting NRC and further stated that you would assure

that your employees would be informed accordingly. You subsequently sent us a letter dated April 20, 1990, in which you stated that briefings were held with appropriate UCSC research staff on NRC regulations and UCSC's radiation safety program. In addition, your letter stated that your radiation safety officer (RSO) now reports directly to the UCSC Director of Research Development who will receive monthly summary reports from the RSO on research activities involving radioisotopes, and that these reports will be further reviewed by you.

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, the enclosures, and your reply will be placed in the NRC Public Document Room.

The responses directed by this letter and the accompanying Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Your cooperation with us is appreciated.

Sincerely,

Original Signed By:  
Malcolm R. Knapp

Malcolm R. Knapp, Director  
Division of Radiation Safety  
and Safeguards

Enclosures:

1. Appendix A, Notice of Violation
2. NRC Region I Inspection Report No. 030-12779/89-001
3. Synopsis of Report of Investigation, Case No. 1-89-015

cc:

Public Document Room (PDR)  
Nuclear Safety Information Center (NSIC)  
Commonwealth of Pennsylvania  
Robert Alper, Radiation Safety Officer

bcc:

Region I Docket Room (w/concurrences)  
Management Assistant, DRMA  
C. White, OI  
D. Holody, RI

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