



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF SENIOR OFFICIAL FOR RESEARCH AND DEVELOPMENT
CINCINNATI, OHIO 45268

Cameron

January 25, 1994

U.S. Nuclear Regulatory Commission
Region III
801 Warrenville Road
Lisle, Illinois 60532-4351

Re: U.S. Environmental Protection Agency, "REPLY TO A
NOTICE OF VIOLATION" dated January 7, 1994,
License No. 34-12736-02, Docket No. 030-13379

To Whom It May Concern:

As required by the Commission, the U.S. EPA-Cincinnati has prepared the following response to a "Notice of Violation" dated January 7, 1994.

The Level IV Violation States:

"Condition 22.A. of License No. 34-12736-02 requires that licensed material be possessed and used in accordance with statements, representations and procedures contained in an application dated November 14, 1989 and other referenced documents.

Item 10.F. of the referenced application requires that area contamination surveys be initiated by the principal investigator monthly when microcurie quantities of licensed materials are used.

Contrary to the above, as of December 14, 1993, monthly contamination surveys were not always initiated as required. Specifically, in laboratory 601-602, contamination surveys were not initiated by the principal investigator in November of 1993, a month when microcurie quantities of phosphorus-32 were used. Furthermore, in laboratory 605-606, contamination surveys were not initiated by the principal investigator in February, June, September, October, and November 1993, months when microcurie quantities of phosphorus-32 were used.



RESPONSE TO NOTICE OF VIOLATION

1. The reason for the violation or if contested the basis for disputing the violation.

In the case with Laboratory 602-603, the Principal Investigator had designated another worker to perform the monthly surveys, but due to extenuating (personal) circumstances the monthly surveys were missed. In lab 602-603, the Principal Investigator had just begun to use radioisotopes in this lab in November and had overlooked the survey required for this month.

2. The corrective steps that have been taken and the results achieved.

The Principal Investigator and all personnel currently working in the above referenced labs were reinstructed on the requirements for using licensed radioactive materials under the AWBERC U.S. NRC license. In addition, the importance of performing activities involving radioactive materials in accordance with the requirements of the EPA's Radiation Safety Committee and the U.S. NRC was re-emphasized (specifically; laboratory survey frequency).

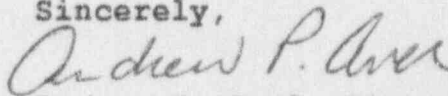
3. The corrective steps that will be taken to avoid further violations.

In the same response to "Item 10" (Item 10.F.) in our license application dated November 14, 1989, we stated that in addition to quarterly wipe tests being performed by the Radiation Safety Office, our contractor (performing Health Physics support for our facility) would check the individual user's records at this time for the performance of required surveys. We will continue to check the survey records at this time and during the semi-annual audit of the laboratories to ensure that all required surveys are being performed at the appropriate frequency.

4. The date when full compliance will be achieved.

Full compliance in this matter was achieved on Dec. 13 and 16, 1993 (the date when monthly surveys were performed for laboratories 605-606 and 602-603, respectively).

Sincerely,



Andrew P. Avel, Director
OSORD - Cincinnati