

APPENDIX

NOTICE OF VIOLATION

State of Montana, DHES
Helena, Montana 59620

Docket: 030-10103
License: 25-15963-01

During an NRC inspection conducted on February 9, 1994, 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:

A. License Condition 17 of License 25-15963-01 requires that the licensee conduct its program in accordance with the statements, representations, and procedures contained in the letter dated December 14, 1992.

1. Item 3 of the letter under the heading "Radiation Protection Program," states, in part, that contamination surveys will be made on work surfaces and appropriate floor areas daily when working with byproduct materials other than sealed sources. Records of surveys shall be maintained and as a minimum indicate date, results, and individual performing the survey.

Contrary to the above, as of February 9, 1994, the licensee had not conducted daily contamination surveys when working with byproduct materials. Specifically, the licensee had conducted monthly contamination surveys only.

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

2. Item 1 of the letter under the heading "Method, Frequency, and Standards Used for Calibrating Instruments," states, in part, that portable gamma survey instruments are to be calibrated at intervals not to exceed 6 months.

Contrary to the above, as of February 9, 1994, the licensee had not been calibrating portable gamma survey instruments at intervals not to exceed 6 months. Specifically, the licensee had been calibrating portable gamma survey instruments annually.

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

B. 10 CFR 20.2001(a) requires that the licensee dispose of licensed material only by certain specified procedures.

Item 11 of the license application dated April 23, 1990, states that radioactive waste materials and contaminated waste materials will be stored in a sealed container marked "Radioactive Waste," and when a sufficient volume of waste is generated, the waste will be shipped for disposal by land burial.

Contrary to the above, between December 22, 1992, and February 9, 1994, the licensee disposed of iodine-125 contaminated laboratory waste

materials by release to the nonradioactive trash, a method not authorized by 10 CFR 20.2001. Specifically, the licensee used microcurie amounts of iodine-125 for in-vitro studies, and waste containing minute amounts of contamination generated from this use was disposed of only after no detectable levels of radiation were observed on surveys.

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

- C. 10 CFR 20.2103(a) requires that each licensee maintain records of the results of surveys and calibrations required by 10 CFR 20.1501 and 20.1906(b). The licensee shall retain these records for 3 years after the record is made.

Contrary to the above, between January 1 and February 9, 1994, the licensee did not maintain records of the results of surveys required by 10 CFR 20.1501 to assure compliance with 10 CFR 20.2003(a) which limits the disposal of licensed material by release into a sanitary sewerage system. Also, prior to January 1, 1994, the licensee did not maintain records of the results of surveys to assure compliance with 10 CFR 20.303 and these surveys were required by 10 CFR 20.401.

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

Pursuant to the provisions of 10 CFR 2.201, The State of Montana, Department of Health and Environmental Sciences, is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, 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 time specified in this Notice, an order or a Demand for Information may be issued to show cause 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 Arlington, Texas
this 14th day of March 1994