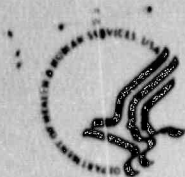


DEB/DCB



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Centers for Disease Control
National Institute for
Occupational Safety & Health
Robert A. Taft Laboratories
4676 Columbia Parkway
Cincinnati OH 45226-1998

September 6, 1990

U.S. Nuclear Regulatory Commission
Region III
Attn: George M. McCann
Chief Nuclear Materials Safety Section I
799 Roosevelt Road
Glen Ellyn, Illinois 60137

License No. 34-07167-03
Docket No. 030-20621

Dear Mr. McCann:

This is in response to your letter and enclosed Notice of Violation of August 9, 1990, to Gerald Heath, Branch Chief, resulting from your inspection of our facility conducted on July 19, 1990.

Violation No. 1

License Condition No. 11 lists a specifically named individual as Chairman of the Radiation Safety Committee.

Contrary to the above, the specifically named individual named as Chairman of the Radiation Safety Committee has not acted in the capacity for at least four months.

Response:

The specifically named Chairman of the Radiation Safety Committee accepted a position at another location and could no longer function in that capacity. Mr. William Murray was appointed to fill the vacancy. On August 27, 1990, we applied for an amendment to our License to name Mr. Murray as Chairman (See Enclosure No. 1). We are awaiting a response from your office. To avoid future violations of this type, an amendment to our License will be requested immediately on learning of a pending vacancy. Full compliance will be achieved when your office notifies us that you have granted our requested amendment.

Violation No. 2

License Condition No. 25 requires that licensed material be possessed and used in accordance with the statements, representations, and procedures contained in certain referenced applications and letters.

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Letter dated June 19, 1989, states in Item 7 that the RSO will conduct quarterly confirmatory surveys/audits in laboratories to assure close communication with a surveillance of individual radioactive material users.

Contrary to the above, quarterly confirmatory audits have not been performed as required. Specifically, a licensee representative stated confirmatory surveys are performed in laboratories at least quarterly; however, audits of laboratory records have not been performed.

Response:

The violation resulted from our misinterpretation of our commitment to conduct quarterly confirmatory surveys/audits. We accept your interpretation that surveys and audits are distinct and separate entities. On July 26, 1990, the RSO conducted audits of laboratory records in laboratories of individuals using open radioactive materials. These audits of laboratory records along with confirmatory surveys will be conducted quarterly in the future to avoid further violations. Full compliance has now been achieved (See Enclosure No.2).

Violation No. 3

License Condition No. 25 requires that license material be possessed and used in accordance with the statements, representations, and procedures contained in certain referenced applications and letters.

Letter dated June 19, 1989, states in item 9.d. that the Radiation Safety Committee will perform a review of the entire radiation program at least annually to determine that all activities are being conducted safely and in accordance with NRC regulations and the conditions of the license. The review will include an examination of all records, reports from the RSO, results of NRC inspections, written safety procedures, and the adequacy of the management control system.

Contrary to the above, annual reviews have not been performed as required. Specifically, a licensee representative stated that the Radiation Safety Committee has not reviewed the entire radiation safety program to assure that all activities are being conducted safely and in accordance with NRC regulations and conditions of the license.

Response:

The Radiation Safety Committee has informally conducted quarterly reviews of the various aspects of the radiation safety program at their quarterly Radiation Safety Committee meetings. We accept your interpretation that this review should take the form of an annual formal review of the entire radiation safety program including an examination of all records, reports from the RSO, results of NRC inspections, written safety procedures, and the adequacy of the management control system. As stated in our response to Violation No.1, we have applied for an Amendment to name a new Chairman of the Radiation Safety Committee. As soon as this amendment is granted, a meeting of the Radiation Safety Committee will be scheduled for the purpose of conducting a formal review of the radiation safety program. This formal review will be conducted annually in the future to avoid further violations. Full compliance will be achieved when the amendment is granted and the formal review conducted.

Violation No. 4

License Condition No. 25 requires that licensed material be possessed and used in accordance with the statements, representations, and procedures contained in certain referenced applications and letters.

The referenced application dated December 15, 1988, states in item IV (a)(5) that radioactive material storage areas will be secured with a lock such that only authorized users have access to it.

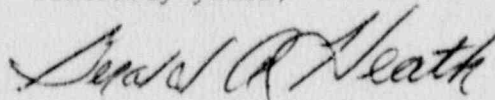
Contrary to the above, radioactive material storage areas were not locked as required. Specifically, of 8 laboratories inspected, 7 laboratory storage areas were not locked to prevent unauthorized access to radioactive materials.

Response:

All laboratories where open radioactive materials are used or stored are equipped with locks. Authorized users have been directed via the Radiation Safety Manual to keep these laboratories locked when unattended. The RSO has personally reminded each authorized user of such laboratories that it is a condition of his/her continued authorized user status to fully comply with all requirements of the License including locking of these laboratories when unattended. The RSO will periodically monitor the laboratories door locking status to avoid further violations. Full compliance has been achieved (See Enclosure No.2).

In addition to the above violations, your inspectors also expressed concern over the lack of record availability. For example, film badge records, instrument calibration records and area survey records were not readily available for review on the day of this inspection. In explanation, the RSO's office had recently been relocated to a different floor of the building and was still in a transitional status at the time of the inspection, thus, making the referenced records not readily available. Plans are being formulated to either relocate the RSO into more suitable office space or free up space occupied by others in the RSO's office so that all records and appropriate meeting facilities will be readily available in the RSO's office. This should be accomplished during the First Quarter of FY 91.

Sincerely yours,



Gerald A. Heath
Administrative Officer