

May 5, 1994

Docket No. 030-01786
CAL No. 1-94-006

License No. 19-00296

Department of Health and Human Services
National Institute of Health
ATTN: Richard G. Wyatt, M.D.
Associate Director for Intramural Affairs
NIH Building 1, Room 140
9000 Rockville Pike
Rockville, Maryland 20892

SUBJECT: CONFIRMATORY ACTION LETTER 1-94-006

Dear Dr. Wyatt:

During April 4 thru 8, 1994, Mrs. Teresa Darden, Mr. Ihor Czerwinskyj and Mr. Richard McKinley of this office conducted an inspection of NRC licensed activities at the above addressed facility. The inspectors observed several areas in which violations of security and control of radioactive materials were identified.

Pursuant to a telephone conversation between you and Ms. Jenny Johansen of this office on May 4, 1994, it is our understanding that you have taken or will take the following actions which will be completed by the dates specified:

1. By May 4, 1994, the Radiation Safety Officer (RSO) will meet with the Radiation Safety Committee (RSC) and inform the members that immediate action is required to secure from unauthorized removal or access, licensed materials that are stored in controlled or unrestricted areas, and control and maintain constant surveillance of licensed material that is in a controlled or unrestricted area and that is not in storage. The commitments made to the NRC, documented in this letter, will be discussed by the RSC for action.
2. By May 6, 1994, the RSC, in conjunction with the RSO, shall inform all users to secure from unauthorized removal or access, licensed materials that are stored in controlled or unrestricted areas, and control and maintain constant surveillance of licensed material that is in a controlled or unrestricted area and that is not in storage.
3. By May 6, 1994, the RSO shall require that all surveys performed by staff and contractor personnel include a review of security and control of licensed material. Non-conformance will be immediately reported to the RSO for appropriate corrective action.

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4. By May 6, 1994, the RSO shall assure that for all future training of new users and retraining of current users, emphasis is placed on the security and control of licensed materials as stated in 10 CFR 20.1801 and 20.1802 of the NRC regulations.
5. Within 30 days, the licensee will establish a written Interim Security Policy for all licensed material to ensure that licensed material is either secured or under constant surveillance. The effectiveness of the Interim Policy will be evaluated for necessary modifications or upgrades. These modifications or upgrades will be included in a permanent policy to be placed in effect within 180 days of this letter.

Pursuant to Section 182 of the Atomic Energy Act, 30 U.S.C. 2232, you are required to:

- 1) Notify me immediately if your understanding differs from that set forth above;
- 2) Notify me if for any reason you cannot complete the actions within the specified schedule and advise me in writing of your modified schedule in advance of the change; and
- 3) Notify me in writing when you have completed the actions addressed in this Confirmatory Action Letter.

Issuance of this Confirmatory Action Letter does not preclude issuance of an order formalizing the above commitments or requiring other actions on the part of the licensee; nor does it preclude the NRC from taking enforcement action for violations of NRC requirements that may have prompted the issuance of this letter. In addition, failure to take the actions addressed in this Confirmatory Action Letter may result in enforcement action.

The responses directed by this letter 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. No. 96-511.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response will be placed in the NRC Public Document Room. Accordingly, your response should not, to the extent possible, include any personal privacy, proprietary, or safeguards information so that it can be released to the public and placed in the NRC Public Document Room.

Sincerely,

Original Signed By:
Charles W. Hehl

Charles W. Hehl, Director
Division of Radiation Safety
and Safeguards

National Institute of Health

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cc:

Public Document Room (PDR)

Nuclear Safety Information Center (NSIC)

State of Maryland

Dr. William Walker, RSO

bcc:

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