

ENCLOSURE

NOTICE OF VIOLATION

Virginia Polytechnic Institute  
and State University

Docket No. 030-11313  
License No. 45-09475-30

During an NRC inspection conducted on November 14, 1990 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 (1990), the violations are listed below:

- A. License Condition 24 requires that licensed radioactive materials be possessed and used in accordance with the statements, representations, and procedures contained in the radioactive materials license application dated May 15, 1987, and in the documents submitted in support of the application.

Item 10 of the license application requires that radioactive materials be possessed and used in accordance with the requirements in the university's Radiation Safety Handbook. Item 3.1 of the Radiation Safety Handbook requires that "New Experiments" which differ in size, kind, and/or scope from previous experiments be submitted to the Radiation Safety Committee in writing and approved before the experiment can be performed. The documentation of new experiments, which shall be reviewed and approved by the Radiation Safety Officer or his alternate (designated in writing), shall include:

- ° the purpose of the experiment;
- ° a description of the experiment;
- ° an analysis of the possible radiation produced by the experiment and the hazards associated with the performance of the experiment.

Contrary to the above, as of November 14, 1990, neither the Radiation Safety Officer nor the Radiation Safety Committee performed detailed radiation safety reviews of all applications by authorized permit holders for changes in their radioactive materials use authorizations, which involved changes in the quantities possessed or the uses of licensed radioactive materials.

This is a Severity Level IV violation (Supplement IV)

- B. 10 CFR 20.403(b)(3) requires that each licensee within 24 hours of the discovery of the event, report any event involving licensed radioactive material that may have caused or threatens to cause the loss of one day or more of the operation of any facility affected.

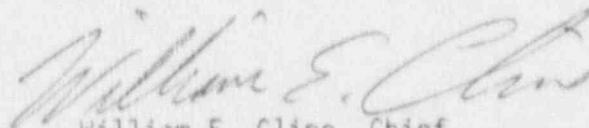
Contrary to the above, the licensee did not report the discovery on October 10, 1990, of phosphorus 32 contamination of a research laboratory which led to the closure of that laboratory for more than 24 hours until October 25, 1990.

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

Pursuant to the provisions of 10 CFR 2.201, Virginia Polytechnic Institute and State University 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 II, 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 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.

Corrective actions for the violations addressed in this Notice have been completed and the actions reviewed by NRC representatives. Therefore, no reply to the Notice is required.

FOR THE NUCLEAR REGULATORY COMMISSION



William E. Cline, Chief  
Nuclear Materials Safety and  
Safeguards Branch  
Division of Radiation Safety  
and Safeguards

Dated at Atlanta, Georgia  
this 5<sup>th</sup> day of February 1991