

45

JUL 31 1992

Docket No. 030-13584  
License No. 52-01946-07

University of Puerto Rico  
Medical Sciences Campus  
ATTN: Dr. José M. Saldaña, President  
G.P.O. Box 364984  
San Juan, PR 00936-4984

Gentlemen:

SUBJECT: NOTICE OF VIOLATION  
(NRC INSPECTION REPORT NO. 52-01946-07/92-01)

This refers to the special inspection conducted by Mr. H. Bermúdez of this office on March 9 and 13, 1992, and the meeting between you and members of your staff and Mr. S. Ebnetter, Regional Administrator, NRC Region II, and other members of the Region II staff on March 12, 1992, at your Medical Sciences Campus. The inspection and meeting involved the review of corrective actions for violations documented in the Notices of Violation and Proposed Imposition of Civil Penalties dated July 19, 1990 and August 28, 1991. At the conclusion of the inspection, the findings were discussed with Mr. J. Román, Dean of Administration, Medical Sciences Campus.

The inspection consisted of an examination of activities conducted under your license with respect to radiation safety and compliance with NRC regulations and the conditions of your license. It included selective examinations of procedures and representative records, interviews with personnel, and direct observations by the inspector.

Based on the results of this inspection, certain of your activities appeared to be in violation of NRC requirements, as specified in the enclosed Notice of Violation (Notice). We are concerned that, notwithstanding the noted efforts on your part to ensure compliance with NRC requirements, some of your authorized users continue to violate requirements.

We acknowledge the effort of your university-wide Radiation Safety Board (RSB) in self-identifying and correcting safety problems. Your RSB identified the recurrence of three previously NRC-identified violations during an audit conducted on December 9-10, 1991. These violations, identified as Violations E through G in the enclosed Notice, involved the failures to: (1) evaluate radiation doses of individuals whose monitoring badges were not analyzed by your dosimetry processing vendor; (2) secure licensed materials from unauthorized removal

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JUL 31 1992

University of Puerto Rico

2

in two laboratories; and (3) distribute copies of Radiation Safety Committee (RSC) meeting minutes to RSC members. In addition, your Radiation Safety Officer (RSO) identified and documented a violation involving the failure to include radiation dose trigger levels on radiation survey records. Our inspection revealed that extensive corrective actions to prevent the recurrence of these violations had been implemented. The violation identified by the RSO is not being cited because it meets the criteria specified in Section VII.B of Appendix C, 10 CFR Part 2, for enforcement discretion. Since your corrective actions were evaluated in detail during the inspection and were found acceptable, no further response to Violations E through G is required.

However, please note that Violation A.1 in the enclosed Notice was identified as a recurring violation during the December 1991 audit performed by your RSB and again by the inspector on March 9, 1992. Also, Violation A.2 is similar to Violation F which was cited in our Notice dated August 28, 1991, regarding improper identification and labeling of radioactive wastes. During the meeting on March 12, 1992, you indicated that the root cause for the recurrence of these types of violations was that your university did not have an internal enforcement policy for dealing with authorized users who violate regulatory requirements. You indicated that developing an internal enforcement policy to handle these issues was part of your comprehensive corrective action plan to address the previously NRC-identified violations. In this regard, you committed to issuing an internal enforcement policy by May 15, 1992. We acknowledge receipt of your May 6, 1992, letter documenting your meeting of this commitment.

You have been advised that recurring violations are of significant concern because the NRC expects licensees to learn from past failures and to take effective corrective actions. Although the NRC does not normally consider escalated enforcement action for Severity Level IV and V violations, the Enforcement Policy provides that escalated enforcement action may be initiated for Severity Level IV and V violations that are similar to previous violations for which the licensee did not take effective corrective action. In this case, we have decided not to pursue escalated enforcement because you identified several of the violations as part of your increased audits initiated in response to previous violations and because of your corrective actions, which include the implementation of your own internal enforcement policy.

You are required to respond to this letter and should follow the instructions specified in the Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence of Violations A through D. After reviewing your

JUL 31 1992

University of Puerto Rico

3

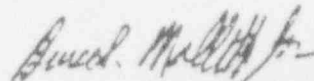
response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be placed in the NRC's Public Document Room.

The responses directed by this letter and its enclosures 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.

Should you have any questions regarding this letter, please contact us.

Sincerely,



J. Philip Stohr, Director  
Division of Radiation Safety  
and Safeguards

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Notice of Violation

cc w/encl:  
Commonwealth of Puerto Rico

bcc w/encl:  
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