



INDIANA UNIVERSITY
MEDICAL CENTER

RADIATION SAFETY OFFICE
Clinical Building 159
541 Clinical Drive
Indianapolis, IN 46202-5111
(317) 274-4797

January 2, 1991

Mr. William H. Schultz, Chief
Nuclear Materials Safety
U.S. Nuclear Regulatory Commission
Region III Office
799 Roosevelt Road
Glen Ellyn, IL 60137

License No. 13-02752-03

Dear Mr. Schultz:

Attached please find the required responses to your "Notice of Violation" dated December 24, 1990. We trust these responses adequately address the issues raised in the notice.

Should you have any questions or require further information, please do not hesitate to contact this office. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Mack L. Richard".

Mack L. Richard, M.S.
Radiation Safety Officer

Attachments: 2

cc: G. Bepko
W. Daly
R. Walty
B. Betteiger

RESPONSES TO NOTICE OF VIOLATION
DATED 12/24/90

The responses are addressed in accordance with the item numbers on the "Notice of Violation."

Item 1. - Radionuclide Radiation Safety Committee chairman

This violation is correct as stated. On July 1, 1989, the previous chairman of the Radionuclide Radiation Safety Committee (RRSC), Dr. Jon P. Lindemann left the university to take another position. At that time, Dr. Lindemann was replaced by Dr. Byron Batteiger. Dr. Batteiger has been a Permit Holder/Principal Investigator at this institution since December of 1983. He has also been a member of the RRSC since July 1, 1988. Due to an oversight by the Radiation Safety Office, our NRC license was not amended to reflect this change. Such an amendment has been submitted to update this change in the RRSC chairmanship.

Item 2. - Failure to post certain documents as specified in 10 CFR 19.11(a).

This violation is not entirely correct as stated. Because of the size of our institution, it is not practical to post the documents required in 10 CFR 19.11(a) in each and every laboratory where radioactive materials are used or stored. In keeping with 10 CFR 19.11(b) the location where the documents specified in 10 CFR 19.11(a) may be reviewed is printed on an amended version of the NRC Form 3 (copy attached).

It should be noted that we do not post the aforementioned document in each and every lab; however, it is posted in at least one laboratory which is authorized on a given Radionuclide Use Permit. "Authorized Users" under a given Radionuclide Use Permit generally utilize all authorized laboratories on that permit. In this way, the requirement specified in 10 CFR 19.11(d) is met.

Upon review by the Radiation Safety Staff, it was discovered that the amended version of the NRC Form 3 was not present in any of the approved laboratories for one Permit Holder visited by the NRC inspector. However, the notice of violation states that the posting requirement was not met in nine laboratories. That statement is not accurate. The Radiation Safety Staff has verified that in one instance the amended version of the NRC Form 3 was present in another laboratory which is under the same permit as the laboratory that the NRC inspector visited. In the seven remaining laboratories, the amended NRC Form 3 was posted as stated above.

Even though a representative of the Radiation Safety Staff accompanied the NRC inspector during the laboratory site visits, the posting requirement violation was not brought to our attention until the exit report. It was our recollection that the

aforementioned posting procedure was explained at that time; however, the explanation was apparently not communicated clearly.

A member of the Radiation Safety Staff initially posts the amended version of the NRC Form 3 (along with any other required postings) at the time the laboratory is authorized for radio-nuclide use. Furthermore, it is standard practice for the Radiation Safety Staff to verify that the amended version of the NRC Form 3 is posted as previously specified. That verification is documented in our quarterly audits of the authorized radio-nuclide laboratories. In the one instance where the amended version of the NRC Form 3 was not posted, it was either removed since our last audit or possibly overlooked in the past audits. The Radiation Safety Staff has been reminded of the need for diligence in verifying that all posting requirements are met.



UNITED STATES NUCLEAR REGULATORY COMMISSION
Washington, D.C. 20555

NOTICE TO EMPLOYEES

STANDARDS FOR PROTECTION AGAINST RADIATION (PART 20), NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS, INSPECTIONS (PART 19), EMPLOYEE PROTECTION

NOTICE

Pursuant to Title 10 CFR 19.11 the following documents are available for review in the Radiation Safety Office, CL 16V from 8 a.m. to 5 p.m., Monday thru Friday or at other times by appointment: (1) 10 CFR 19 & 20, (2) the NRC license amendments, & supporting documents, (3) all violation notices and responses to same, and (4) a current copy of the Radiation Safety Manual which is also distributed to each Principal Investigator.

WHAT IS THE NUCLEAR REGULATORY COMMISSION?

The Nuclear Regulatory Commission is an independent Federal regulatory agency responsible for licensing and inspecting nuclear power plants and other commercial uses of radioactive materials.

WHAT DOES THE NRC DO?

The NRC's primary responsibility is to ensure that workers and the public are protected from unnecessary or excessive exposure to radiation and that nuclear facilities including power plants are constructed to high quality standards and operated in a safe manner. The NRC does this by establishing requirements in Title 10 of the Code of Federal Regulations (10 CFR) and in licenses issued to nuclear users.

WHAT RESPONSIBILITY DOES MY EMPLOYER HAVE?

Any company that conducts activities licensed by the NRC must comply with the NRC's requirements. If a company violates NRC requirements, it can be fined or have its license modified, suspended or revoked.

Your employer must tell you which NRC radiation requirements apply to your work and must post NRC Notices of Violation involving radiological working conditions.

WHAT IS MY RESPONSIBILITY?

For your own protection and the protection of your co-workers, you should know how NRC requirements relate to your work and you should obey them. If you observe violations of the requirements, you should report them.

HOW DO I REPORT VIOLATIONS?

If you believe that violations of NRC rules or of the terms of the license have occurred, you should report them immediately to your supervisor. If you believe that adequate corrective action is not being taken, you may report this to an NRC inspector or the nearest NRC Regional Office.

WHAT IF I WORK IN A RADIATION AREA?

If you work with radioactive materials or in a radiation (controlled) area, the amount of radiation exposure that you may legally receive is limited by the NRC. The limits on your exposure are contained in sections 20.101, 20.103, and 20.104 of Title 10 of the Code of Federal Regulations (10 CFR 20). While those are the maximum allowable limits, your employer should also keep your radiation exposure as far below those limits as is "reasonably achievable."

MAY I GET A RECORD OF MY RADIATION EXPOSURE?

Yes. Your employer is required to tell you, in writing, if you receive any radiation exposure above the limits set in the NRC regulations or your employer's license. In addition, if your job involves radiation, you may request from your employer a record of your annual radiation exposures and a written report of your total exposure when you leave your job.

HOW ARE VIOLATIONS OF NRC REQUIREMENTS IDENTIFIED?

NRC conducts regular inspections at licensed facilities to assure compliance with NRC requirements. In addition, your employer and site contractors conduct their own inspections to assure compliance. All inspectors are protected by Federal law. Interference with them may result in criminal prosecution for a Federal offense.

MAY I TALK WITH AN NRC INSPECTOR?

Yes. Your employer may not prevent you from talking with an NRC inspector and you may talk privately with an inspector and request that your identity remain confidential.

MAY I REQUEST AN INSPECT ON?

If you believe that your employer has not corrected violations involving radiological

working conditions, you may request an inspection. Your request should be addressed to the nearest NRC Regional Office and must describe the alleged violation in detail. It must be signed by you or your representative.

HOW DO I CONTACT THE NRC?

Notify an NRC inspector on-site or call the nearest NRC Regional office collect. NRC inspectors want to talk to you if you are worried about radiation safety or other aspects of licensed activities, such as the quality of construction or operations at your plant.

CAN I BE FIRED FOR TALKING TO THE NRC?

No. Federal law prohibits an employer from firing or otherwise discriminating against a worker for bringing safety concerns to the attention of the NRC. You may not be fired or discriminated against because you:

- ask the NRC to enforce its rules against your employer;
- testify in an NRC proceeding;
- provide information or are about to provide information to the NRC about violations of requirements;
- are about to ask for or testify, help, or take part in an NRC proceeding.

WHAT FORMS OF DISCRIMINATION ARE PROHIBITED?

No employer may fire you or discriminate against you with respect to pay, benefits, or working conditions because you help the NRC.

HOW AM I PROTECTED FROM DISCRIMINATION?

If you believe that you have been discriminated against for bringing safety concerns to the NRC, you may file a complaint with the U.S. Department of Labor. Your complaint must describe the firing or discrimination and must be filed within 30 days of the occurrence.

Send complaints to:

Office of the Administrator
Wage and Hour Division
Employment Standards Administration
U.S. Department of Labor
Room 53502
200 Constitution Avenue, N.W.
Washington, D.C. 20200

or any local office of the Department of Labor, Wage and Hour Division. Check your telephone directory under U.S. Government listings.

WHAT CAN THE LABOR DEPARTMENT DO?

The Department of Labor will notify the employer that a complaint has been filed and will investigate the case.

If the Department of Labor finds that your employer has unlawfully discriminated against you, it may order you to be reinstated, receive back pay, or be compensated for any injury suffered as a result of the discrimination.

WHAT WILL THE NRC DO?

The NRC may assist the Department of Labor in its investigation. NRC may conduct its own investigation where necessary to determine whether unlawful discrimination has prevented the free flow of information to the Commission. Also, if the NRC or Department of Labor finds that unlawful discrimination has occurred, the NRC may issue a Notice of Violation to your employer, impose a fine, or suspend, modify, or revoke your employer's NRC license.

UNITED STATES NUCLEAR REGULATORY COMMISSION REGIONAL OFFICE LOCATIONS

A representative of the Nuclear Regulatory Commission can be contacted at the following addresses and telephone numbers. The Regional Office will accept direct telephone calls from employees who wish to register complaints or concerns about radiological working conditions or other matters regarding compliance with Commission rules and regulations.



Regional Offices

REGION	ADDRESS	TELEPHONE
I	U.S. Nuclear Regulatory Commission Region I 631 Park Avenue King of Prussia, PA 19406	215 337 5000
II	U.S. Nuclear Regulatory Commission Region II 101 Marietta St., N.W. Atlanta, GA 30323	404 331 4503
III	U.S. Nuclear Regulatory Commission Region III 788 Roosevelt Road Glen Ellyn, IL 60137	312 790 5600
IV	U.S. Nuclear Regulatory Commission Region IV 811 Ryan Plaza Drive, Suite 1000 Arlington, TX 75011	817 860 8100
V	U.S. Nuclear Regulatory Commission Region V 1450 Mark Lane, Suite 210 Walnut Creek, CA 94596	415 943 3700