

NOTICE OF VIOLATION

University of Hawaii
Honolulu, Hawaii

Docket No. 030-07517
License No. 53-00017-23

During an NRC inspection conducted on April 21 and May 5, 1994, 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, the violations are listed below:

- A. 10 CFR 20.1501 requires that each licensee make or cause to be made surveys that may be necessary for the licensee to comply with the regulations in Part 20 and that are reasonable under the circumstances to evaluate the extent of radiation levels, concentrations or quantities of radioactive materials, and the potential radiological hazards that could be present.

Pursuant to 10 CFR 20.1003, survey means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of radioactive material or other sources of radiation.

Contrary to the above, between January 1993 and April 21, 1994, the licensee did not perform surveys to determine the extent of radiation levels in radioactive waste storage areas adjacent to the Radiation Safety Office and in the Cancer Center basement. Additionally, the licensee failed to evaluate the potential radiological hazard from five deteriorated cardboard waste storage containers observed by the inspector in the waste storage area adjacent to the Radiation Safety Office on April 21, 1994. The deteriorated boxes had been stored for more than a year.

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

- B. 10 CFR 20.1902(a) requires that the licensee post each radiation area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, RADIATION AREA."

Contrary to the above, as of April 21, 1994, the Radioactive Waste Storage Room in the basement of the University's Cancer Center, a radiation area with a radiation dose rate of approximately 7 millirem in one hour at 30 centimeters from a waste container was not posted with a warning sign bearing the radiation symbol and the words "CAUTION, RADIATION AREA."

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

- C. 10 CFR 19.12 requires, in part, that all individuals working in a restricted area be instructed in the precautions and procedures to

minimize exposure to radioactive materials, in the purpose and functions of protective devices employed, and in the applicable provisions of the Commission's regulations and licenses.

Contrary to the above, as of April 21, 1994, licensee personnel working in Campus Laboratories Bio-Med 309 and A Court 105, and Cancer Center Laboratories 302 and 306, restricted areas, had not been instructed in the applicable provisions of the regulations. Specifically, the individuals had not been trained on the provisions contained in the revised 10 CFR Part 20 which was implemented on January 1, 1994.

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

- D. 10 CFR 71.5(a) requires that a licensee who transports licensed material outside of the confines of its plant or other place of use, or who delivers licensed material to a carrier for transport, comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 170 through 189.
1. 49 CFR 172.203(d) requires, in part, that the description for a shipment of radioactive material include: (1) the name of each radionuclide, (2) the physical and chemical form of the material, (3) the activity contained in each package of the shipment in terms of curies, millicuries, or microcuries, (4) the category of label applied to each package (e.g., RADIOACTIVE WHITE-I), and (5) the transport index assigned to each package in the shipment bearing RADIOACTIVE YELLOW-II or -III labels.
 2. 49 CFR 172.201(d) requires that a shipping paper contain an emergency response telephone number, as prescribed in subpart G of 49 CFR Part 172.
 3. 49 CFR 172.403 requires, in part, with exceptions not applicable here, that each package of radioactive material be labeled, as appropriate, with a RADIOACTIVE WHITE-I, a RADIOACTIVE YELLOW-II, or a RADIOACTIVE YELLOW-III label. The contents, activity, and transport index must be entered in the blank spaces on the label; and each package must have two labels, affixed to opposite sides of the package.
 4. 49 CFR 173.475 requires, in part, that before each shipment of any radioactive materials package, the shipper ensure by examination or appropriate test that the external radiation and contamination levels are within the allowable limits specified in 49 CFR 173.441 and 173.443.
 5. 49 CFR 172.702 requires, in part, that each hazmat employee be trained in accordance with the requirements prescribed in Subpart H, Training. 49 CFR 172.704 requires this training to include general awareness/familiarization training and function specific training. The purpose of the training is to ensure a hazmat employee has

familiarity with the general provisions of Subchapter C, "Hazardous Materials Regulations."

Contrary to the above, between January 1, 1993, and April 21, 1994, the licensee transported radioactive materials including; P-32, S-35, I-125, and H-3, outside the confines of the University on public highways and: (1) the description on the shipping paper accompanying the shipment did not include the category of label applied to each package or the transport index assigned to each package; (2) the shipping papers did not include the Emergency Response phone number; (3) the packages were not labeled with the required RADIOACTIVE WHITE-I, RADIOACTIVE YELLOW-II, or RADIOACTIVE YELLOW-III labels; (4) the licensee did not perform appropriate tests to determine that external radiation and contamination levels were within allowable limits; and (5) the licensee had not performed hazmat general awareness/familiarization training or function specific training as required by 49 CFR 172.702 and 172.704.

This is a Severity Level IV Violation (Supplement V).

Pursuant to the provisions of 10 CFR 2.201, the University of Hawaii 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 IV, and a copy to the Director, Walnut Creek Field Office, 1450 Maria Lane, Walnut Creek, California, 94596, 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 or a Demand for Information 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.

Dated at Arlington, Texas
this 19th day of May 1994