

NOTICE OF VIOLATION

Environmental Protection Agency
Environmental Monitoring
Systems Laboratory
P. O. Box 93478
Las Vegas, Nevada 89193-3478

Docket No. 030-06981
License No. 27-05861-02

During the NRC inspection conducted on March 12-14 and 28, 1991, 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 Conditions 6.P. through 8.P. authorize the possession and use of five J.L. Shepherd and Associates Series 6810 sealed sources, each containing cesium-137 with maximum possession limits of 1, 10, and 100 millicuries, and 1 and 10 curies.

License Conditions 6.L. through 8.L., and 8.N. through 8.O., authorize the possession and use of two U.S. Nuclear Model 375 and one New England Nuclear Model NER-572 cesium-137 sealed sources, each with maximum possession limits of 330, 300, and 10 millicuries, respectively.

Contrary to the above, at the time of the inspection, the licensee possessed six J.L. Shepherd and Associates Series 6810 sealed sources containing cesium-137 with activities of 1, 10, 10, and 100 millicuries, and 1 and 10 curies. Also, in addition to the three sources authorized by license conditions 6.L through 8.O, the licensee possessed another sealed source containing 100 millicuries of cesium-137, which was not authorized under the license.

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

- B. License Condition 22. requires, in part, that the licensee conduct its program in accordance with the statements, representations, and procedures, including any enclosures, contained in the application dated January 3, 1989.

1. Paragraph B.5., Section I, of the Radiation Safety Manual enclosed with the application dated January 3, 1989, requires that the Radiation Safety Committee meet at least semiannually.

Contrary to the above, the licensee's Radiation Safety Committee held only one meeting during 1990.

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

2. Item 8 of the application dated January 3, 1989 and Paragraph 21 of the letter enclosed with the same application requires that individuals working in or frequenting restricted areas attend an annual 8 hour REECO radiation safety training course.

Contrary to the above, four individuals working in restricted areas where licensed materials were used or stored had not attended the annual REECo training course during 1990.

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

- C. 10 CFR 20.401(b) requires, in part, that each licensee maintain records showing the results of surveys required by 10 CFR 20.201(b).

License Condition 22. requires, in part, that the licensee conduct its program in accordance with the statements, representations, and procedures, including any enclosures, contained in the application dated January 3, 1989.

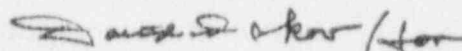
Paragraph D.2.d., Section I, of the Radiation Safety Manual enclosed with the application dated January 3, 1989, requires that individuals working with radioactive material document routine and special surveys and other evaluations conducted within their workplace to demonstrate the success of contamination control efforts and to make these records available for review by the RSO, the RSC, or outside reviewers at any time.

Contrary to the above, as of March 12-14, 1991, the licensee did not maintain records of surveys made to assure compliance with License Condition 22 and with 10 CFR 20.201(b). Specifically, the licensee had no records documenting the results of instrument radiation surveys that were conducted in Chemistry Laboratory Room 41 since March 1989. This is a repeat violation.

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

Pursuant to the provisions of 10 CFR 2.201, Environmental Protection Agency, Environmental Monitoring Systems Laboratory, Las Vegas, Nevada, 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 V, 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.

FOR THE NUCLEAR REGULATORY COMMISSION



Robert J. Pate, Chief
Nuclear Materials and Fuel
Fabrication Branch

Dated at Walnut Creek, California
this 16th day of APRIL 1991