

JUL 20 1988

Docket No. 30-00582
License No. 06-00183-03
EA 88-157

Yale University
ATTN: Edward A. Adelberg, Ph.D.
Deputy Provost
Room 115, Hall of Graduate Studies
320 York Street
New Haven, Connecticut 06520

Gentlemen:

Subject: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY
(NRC Inspection Report No. 88-001)

This letter refers to the NRC inspection conducted on June 1-2, 1988 at Yale University, New Haven, Connecticut, to review the circumstances associated with a violation involving two examples of improper disposal of radioactive material to a local municipal landfill. The examples were reported to the NRC by a member of your staff on May 18 and 19, 1988, respectively. During the inspection, another violation of NRC requirements was identified. The report of the inspection was sent to you on June 14, 1988. On June 21, 1988, an enforcement conference was conducted with you, and a member of your staff, to discuss the violations, their causes and your corrective actions.

The two violations are described in the enclosed Notice. The violation involving improper disposals is described in Section I of the enclosed Notice and consisted, in each case, of the disposal of small quantities of radioactive material in normal trash which ultimately was disposed of at a local municipal landfill. Although this violation could be classified at Severity Level III in accordance with Section C.6.1, Supplement IV of the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR 2, Appendix C (Enforcement Policy) (1988), the violation has been classified at Severity Level IV based on its low safety significance in that only a small amount of material was discarded in this manner, specifically, 500 microcuries in the first instance, and less than one microcurie of each of three radionuclides in the second instance.

Notwithstanding the low safety significance of this violation, the NRC is concerned that this violation involved two examples of improper disposal on two successive days in May 1988, and that these examples each constitute a recurrence of a similar violation that occurred in December 1985, for which a Notice of Violation was issued on May 27, 1986. The NRC is particularly concerned that the corrective action to the previous violation consisted of sending a memorandum to all the 250 Principal Investigators "recommending" that all incoming shipments be unpacked and stored immediately. Our inspectors could not identify any Principal Investigator who had altered his procedures as a result of this memorandum, except for the laboratory that had experienced the

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loss of material. We believe this resulted partly from the fact that the memorandum was worded as a "recommendation," and partly from the fact that it did not establish, or require the establishment of, specific procedures prescribing specific actions. Furthermore, there was little, if any, followup of the investigators' activities to assure that (1) the investigators were abiding by your directives, and (2) the procedures used by the investigators would preclude loss of control of material. This demonstrates a failure of, and lack of aggressiveness in, the management control of your radiation safety program.

These violations demonstrate the need for (1) improved control of licensed material to prevent the improper disposal of radioactive material in the future, and (2) aggressive management oversight of the radiation safety program by Hospital Administration, the Radiation Safety Committee, and the Radiation Safety Officer, including appropriate audits, to ensure that effective corrective actions are taken whenever violations are identified. Accordingly, I have been authorized, after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Regional Operations, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty in the amount of One Thousand One Hundred Twenty-five Dollars (\$1,125) for the violation described in Section I of the enclosed Notice. Although the violation is classified at Severity Level IV and a civil penalty is not normally proposed for a Severity Level IV violation, a civil penalty is proposed in this case because this violation involved two examples and was similar to the violation that occurred in December 1985 for which you did not take effective corrective action.

The base civil penalty amount for a Severity Level IV violation is \$750. The base civil penalty amount has been increased by 50% in light of your prior enforcement history which includes the identification of five violations during each of the last three NRC inspections conducted since 1986. Full escalation by 100% based on this history was considered inappropriate since both examples of the violation were identified by your staff and reported to the NRC. The other escalation and mitigation factors in the Enforcement Policy were considered and no further adjustment was deemed appropriate.

The violation described in Section II of the enclosed Notice has been classified at Severity Level V.

You are required to respond to this letter and the enclosed Notice, and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Further, you should describe in detail the actions taken or planned to prevent recurrence of this violation. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further action is needed to ensure compliance with regulatory requirements.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

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The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL No. 96-511.

Sincerely,

Original Signed By:

James M. Allen

for

William T. Russell
Regional Administrator

Enclosure: Notice of Violation and Proposed
Imposition of Civil Penalty

cc w/encl:
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Nuclear Safety Information Center (NSIC)
State of Connecticut

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