

U.S. NUCLEAR REGULATORY COMMISSION
REGION I

Enforcement Conference Report No. 30-14984/85-02

Docket No. 30-14984

License No. 44-18388-01

Priority III

Category E

Licensee: Institute for Medical Research of Bennington

110 Hospital Drive

Bennington, Vermont 05201

Facility Name: Institute for Medical Research of Bennington

Enforcement Conference at: Region I, King of Prussia, Pennsylvania

Enforcement Conference Conducted: November 6, 1985

Inspectors:

John J. Miller
John J. Miller, Health Physicist

12/5/85
date

Thomas K. Thompson
Thomas K. Thompson, Health Physicist

12/5/85
date

Approved by:

Lawrence F. Friedman
John E. Glenn, Ph.D., Chief, Nuclear
Materials Safety Section B

12/5/85
date signed

Conference Summary: The findings documented in Report No. 30-14984/85-01 were discussed. The licensee described planned corrective actions. The NRC's enforcement policy was explained.

DETAILS1. Persons AttendingInstitute for Medical Research of Bennington

Peter Lalley, Ph.D., Director

Nuclear Regulatory Commission

James M. Allan, Deputy Regional Administrator
Thomas T. Martin, Director, Division of Radiation Safety and Safeguards
John E. Glenn, Ph.D., Chief, Nuclear Materials Safety Section B
Daniel J. Holody, Enforcement Specialist
Jay M. Gutierrez, Regional Attorney
Thomas K. Thompson, Health Physicist
John J. Miller, Health Physicist

2. Conference Summary

- a. Introductions were made and Peter Lalley, Ph.D., Director of the Institute for Medical Research of Bennington, was welcomed to Region I by James M. Allan, Deputy Regional Administrator.
- b. Thomas T. Martin, Director, Division of Radiation Safety and Safeguards, explained the purpose and format of the Enforcement Conference. Mr. Martin stated that the conference was being held due to recurrent and uncorrected violations and the apparent lack of management control over the byproduct material program.
- c. Dr. Lalley described briefly the Institute's present structure and purpose. He stated that the Institute had 7 employees and was involved with cancer research. He added that the organization was funded by Federal and private grants, donations, and an endowment. Dr. Lalley stated that he expected that the Institute's staff would increase in the next 5 years to include 5 persons possessing Ph.D.s and 10 technicians.
- d. John J. Miller, Health Physicist, presented the findings of the inspection conducted on September 19, 1985. At the conclusion of Mr. Miller's presentation the licensee presented the causes of each violation and the corrective action taken or planned.
- e. Dr. Lalley stated that, although he was not aware that the violations had been committed, he was responsible for the violations because he had not maintained control of the program and his personnel. As an example, Dr. Lalley cited the investigator's unauthorized use of chromium-51. He stated that he had instructed the

investigator to amend the Institute's license if he desired to use byproduct material. The investigator failed to amend the license. Dr. Lalley stated that he was remiss in not confirming that the license had been amended. Dr. Lalley added that the Institute's ordering policy permitted personnel to order anything that costs less than \$500.00 without the Director's signature of approval. This policy allowed the investigator to order chromium-51 and exceed the possession limit of the license.

f. Dr. Lalley described the Institute's corrective actions as follows:

- (1) An amendment request had already been submitted requesting to add Dr. Lalley as the sole authorized user.
- (2) All purchase orders will be countersigned by Dr. Lalley.
- (3) Dr. Lalley will track all licensed material through the program, from receipt to disposal, to ensure that possession limits will not be exceeded.
- (4) Dr. Lalley also stated that he will instruct all new personnel in the topics as specified in Section 19.12 of 10 CFR Part 19 on a one-on-one basis and that he will submit to NRC an outline of the training curriculum. Dr. Lalley also agreed to provide annual refresher training to all personnel.

Dr. John E. Glenn, Ph.D., Chief, Nuclear Materials Safety Section B, informed Dr. Lalley that if he planned to travel extensively, the Institute may opt for an additional authorized user to supervise the program in his absence. Dr. Lalley agreed and stated that the Institute would send an employee to Albany Medical Center for training in radiation safety if none of the present employees could qualify as an authorized user.

- g. Mr. Martin asked Dr. Lalley if he would be able to continue to effectively function as the Radiation Safety Officer as his program and staff increased during the next five years. Dr. Lalley stated that he felt he was capable of controlling the program at its present size, but he added that as the program expanded he would probably have another person assume the duties of Radiation Safety Officer.
- h. At the conclusion of the Enforcement Conference, Daniel Holody, Enforcement Specialist, reviewed the enforcement options available to the NRC.
- i. Mr. Allan thanked Dr. Lalley for coming and stated that the Institute's proposed corrective action will be considered during NRC management review of these incidents for subsequent enforcement action.