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December 4, 1986

Docket Nos. 030-08748  
030-13045  
License Nos. 20-15215-01  
20-15215-02MD  
EA 86-168

Gamma Diagnostic Laboratories  
ATTN: Mr. Robert Ferris  
President  
P.O. Box 1349  
Attleboro Falls, Massachusetts 02763

Gentlemen:

Subject: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY  
(Combined Inspection Nos. 030-08748/86-01 and 030-13045/86-01)

This refers to the NRC inspection conducted on August 18-20, 1986 at your facilities in North Attleboro and Attleboro Falls, Massachusetts, and continued in the Region I office through September 29, 1986 to measure and evaluate contamination smears taken during the closeout inspection of the Attleboro Falls facility. The inspection consisted of a review of activities authorized by NRC License Nos. 20-15215-01 and 20-15215-02MD. The report of the inspection was forwarded to you on October 16, 1986. During the inspection, violations of NRC requirements were identified. On October 23, 1986, we held an enforcement conference with you and a member of your staff during which the violations, their causes, and your corrective actions were discussed.

The violations, which are fully described in the enclosed Notice, included failure to properly secure or maintain control of licensed material located in delivery vehicles; failure to properly post and control access to a high radiation area; failure to perform adequate surveys; and failure to instruct and provide appropriate dosimetry to contractor workers entering a restricted area. The violation involving unsecured material is of significant concern to the NRC because personnel should have been particularly sensitive to the importance of security measures since one of your vehicles containing licensed material had been previously stolen. Of equal concern to the NRC are the violations involving the failure to post and control access to the high radiation area that existed on the roof of the facility. The Radiation Safety Officer (RSO) apparently was aware of the conditions on the roof since December 1984, but action was not taken to either provide shielding and eliminate the existence of the high radiation area or to provide necessary controls for the area.

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While we recognize that your prior enforcement history has been good, as evidenced by the fact that no violations were identified during the last two NRC inspections in 1981 and 1984, these recent violations represent a significant lapse in management control of the radiation safety program. Such lapses must be prevented because they could result in unnecessary exposure of individuals to radiation.

To emphasize the importance of continuous and effective management control of the Radiation Safety Program, so as to assure adherence to NRC requirements and safe performance of licensed activities, I have been authorized, after consultation with the Director, Office of Inspection and Enforcement, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty in the amount of Five Thousand Dollars (\$5,000) for the violations set forth in the Notice. The violations are classified in the aggregate as a Severity Level III problem in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, (Enforcement Policy 1986). Although Violations A and B could individually be classified at Severity Level III and each assessed a \$5,000 civil penalty, the violations have been classified in the aggregate and assessed a single civil penalty of \$5,000 since there is a common underlying cause of the violations; i.e., a significant lapse in management control of the radiation safety program. We considered mitigation of the civil penalty amount based on (1) your unusually prompt and extensive corrective actions, many of which were instituted immediately during the inspection; and (2) your prior good enforcement history. However, mitigation was deemed inappropriate because your staff should have been sensitive to the importance of security measures, given the previous theft of one of your delivery vehicles, and the RSO should have taken immediate steps to establish control over a high radiation area on the roof when he became aware of its existence in December 1984.

You are required to respond to the enclosed Notice and, in preparing your response, you should follow the instructions specified in the Notice. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. In addition, your response to this letter should describe the changes and actions that have been or will be implemented to (1) ensure licensed activities are conducted in accordance with the license and (2) prevent lapses in management control and oversight of your radiation safety program in the future. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further enforcement action is necessary to ensure compliance with NRC 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 the enclosure will be placed in the NRC's Public Document Room.

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 96-511.

Sincerely,

Original signed by  
Thomas E. Murley,  
Thomas E. Murley  
Regional Administrator

Enclosure: Notice of Violation and Proposed Imposition of Civil Penalty

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