



*University of Guam*  
COLLEGE OF AGRICULTURE AND LIFE SCIENCES

UOG Station, Mangilao, Guam U.S.A. 96913  
Cable: "UnivGuam" Telex: 721 6275

AGRICULTURAL EXPERIMENT STATION

March 8, 1989

U.S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, D.C. 20555

Gentlemen:

This is in response to a Notice of Violation, Docket No. 030-18984, License No. 56-19618-01, EA No. 89-40 of which pertinent documents are attached.

All violations listed are hereby acknowledged and accepted. Specific responses to violations are as follows:

- A. License Conditions 15 requires physical inventories to be conducted every six months to account from all sources possessed under the license.

Violation:

Contrary to the above requirement, more than seven months had elapsed between consecutive physical inventories conducted in March 31, 1987 and November 20, 1987 for two Perkins-Elmer nickel - 63 detector cells (Models 009-0282 and 330-0119).

Response:

We acknowledged being overdue (7 instead of with 6 months) on the physical inventory. We time our physical inventory with our wipe test. Our wipe test kit is being sent to us every 6 months from Assay Services Inc. in Texas. With the Christmas rush, the wipe kit always arrives late. We have depended on the kit provided by Assay Services. I have since requested (last January) for at least a dozen wipe test kits to stock up with so there will be no dependence on U.S. mail. If there is no kit available, we will wipe test the licensed material with filter papers using laboratory detergent and send it for analysis. This should allow us to comply on time.

- B. Licenses Condition 13.A requires the gas chromatograph detector cell, Model 009-0282, containing a nickel-63 foil, be tested for leakages and/or contamination at interlude not to exceed six months.

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Violation:

Contrary to the above requirement, more than seven months had elapsed between consecutive leak tests conducted on March 31, 1987 and November 20, 1987 for one Perkins-Elmer nickel - 63 detector cell (Model 009-0282).

Response:

Our acceptance of the violation and corrective measures are discussed in A. A further corrective action will be to inactivate, an "alarm clock" on my calendar to alert me one month before the due date. We have been remiss on this and will do meet due dates.

- C. License Condition 10.A requires that the Nickel - 63 foil/detectors cell Model 009-0282 shall be used only at the licensees Agricultural Experiment Station, Inarajan, Guam.

Violation:

Contrary to the above requirement, at the time of the inspection, the nickel-63 foil/detectors cell model 009-0282 was being used at an unauthorized location at the Water and Energy Research Institute in Mangilao, Guam.

Response:

Since the Gas Chromatograph with the licensed material was practically in storage, I okayed its transfer (at the urgent request of the Director of the Guam Water and Energy Research Institute (WERI) to the WERI laboratory at the main campus in UOG. I inadvertently missed requesting authorization from the USNRC for an amendment to the license. A letter requesting an amendment is being sent to Beth Riedlinger, USNRC, Region V. We will be wary of future movement of licensed material. Should a need occur in the future, we will not act before consultation by telephone or mail with USNRC Region V.

- D. License Condition 11.A requires that the nickel-63 foil/detector cell Model 009-0282 be authorized for use by or under the supervision of Jefren L. Demeterio.

Violation:

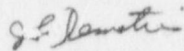
Contrary to the above requirement, at the time of the inspection, the nickel-63 foil/detector cell Model 009-0282 was being used by R. Woods, of the Water and Energy Institute, with no supervision by the authorized user, Jefren L. Demeterio.

Response:

In requesting transfer of the AES Gas Chromotograph to WERI, the Director of WERI and the laboratory manager (Mr. Woods) visited with me at my office. During the course of the discussions, I found that Mr. Woods was operating a newer Perkins-Elmer Gas Chromotograph equipped with a similar detector. After requesting for Mr. Woods biodata and further discussion on laboratory operations, it was my conclusion that Mr. Woods was indeed competent and could do things with minimal supervision, if at all.

If more supervision is needed, I will conduct a mini-workshop on proper use and care of radioactive by-products.

We reiterate our intent to comply with all USNRC regulations.



J.L. DEMETERIO  
Radiation Safety Officer

JLD:ambg





UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION V

1450 MARIA LANE, SUITE 210  
WALNUT CREEK, CALIFORNIA 94596

FEB 13 1989  
License No. 56-19618-01  
EA No. 89-40

University of Guam  
Agriculture Experiment Station  
Mangilao, Guam 96913

Attention: J. L. Demeterio, Ph.D.  
Radiation Safety Officer

Gentlemen:

SUBJECT: NRC INSPECTION

This refers to the routine safety inspection conducted by James L. Montgomery of this office on January 11, 1989 of activities authorized by NRC License No. 56-19618-01 and to the discussion of our findings held by Mr. Montgomery with you at the conclusion of the inspection.

The results of this inspection were also discussed with you during the February 7, 1989 telephone Enforcement Conference held by Messrs. R. D. Thomas and J. L. Montgomery of the Region V Office. During the Enforcement Conference you committed to follow the requirements specified in your NRC license including the completion of leak testing and physical inventories within the required six month interval. You also committed to comply with the authorized user and location requirements specified in the NRC license and to make the necessary amendment requests to the NRC staff to reflect your current use of licensed material. You also indicated you may train and appoint a new Radiation Safety Officer after obtaining NRC staff approval through a license amendment.

The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Commission's rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector.

Based on the results of this inspection, it appears that certain of your activities were not conducted in full compliance with NRC requirements, as set forth in the Notice of Violation enclosed as Appendix A to this letter. These items have been categorized into severity levels as described in the NRC Enforcement Policy, 10 CFR Part 2, Appendix C. (1988).

The findings from this inspection, indicate two repetitive violations (see Appendix A, Items A and B) from the inspection conducted on October 21, 1985.

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We are concerned about the repetitive nature of the violations observed during our inspections. In addition to the need for corrective action regarding the specific violations included in Appendix A, we are concerned about the implementation of your management control system that allowed these repetitive violations to occur. Consequently, in your reply you should describe in particular those actions taken or planned to improve the effectiveness of your overall management control system.

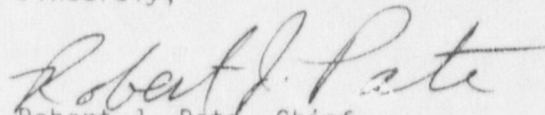
Any future repetitive violations will result in the consideration of escalated enforcement action up to and including civil penalties. An early reinspection of your licensed activities will be conducted to determine the extent of your corrective action and compliance with NRC requirements.

Your response to this Notice is to be submitted in accordance with the provisions of 10 CFR 2.201 as stated in Appendix A, Notice of Violation.

The responses directed by this letter and the accompanying 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.

If you have any questions on this matter or concerning this inspection, please telephone Mr. Montgomery on 415-943-3700.

Sincerely,

A handwritten signature in cursive script, reading "Robert J. Pate".

Robert J. Pate, Chief,  
Nuclear Materials Safety and  
Safeguards Branch

Enclosure:  
Notice Of Violation

APPENDIX A

NOTICE OF VIOLATION

University of Guam  
Agricultural Experiment Station  
Mangilao, Guam 96913

Docket No. 030-18984  
License No. 56-19618-01  
EA No. 89-40

During an NRC inspection conducted on January 11, 1989, certain 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 (1988), the violations are listed below:

- A. License Condition 15 requires physical inventories to be conducted every six months to account for all sources possessed under the license.

Contrary to the above requirement, more than seven months had elapsed between consecutive physical inventories conducted on March 31, 1987 and November 20, 1987 for two Perkin-Elmer nickel-63 detector cells (Models 009-0282 and 330-0119).

This is a repeat violation from the last NRC inspection conducted on October 21, 1985.

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

- B. License Condition 13.A requires the gas chromatograph detector cell, Model 009-0282, containing a nickel-63 foil, be tested for leakage and/or contamination at intervals not to exceed six months.

Contrary to the above requirement, more than seven months had elapsed between consecutive leak tests conducted on March 31, 1987 and November 20, 1987 for one Perkin-Elmer nickel-63 detector cell (Model 009-0282).

This is a repeat violation from the last NRC inspection conducted on October 21, 1985.

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

- C. License Condition 10.A requires that the nickel-63 foil/detector cell Model 009-0282 shall be used only at the licensee's agricultural Experiment Station, Inarjan, Guam.

Contrary to the above requirement, at the time of the inspection, the nickel-63 foil/detector cell Model 009-0282 was being used at an unauthorized location at the Water & Energy Research Institute, Mangilao, Guam.

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

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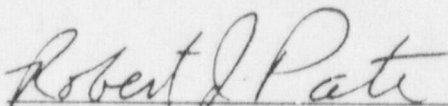
- D. License Condition 11.A requires that the nickel-63 foil/detector cell Model 009-0282 be authorized for use by or under the supervision of Jefren L. Demeterio.

Contrary to the above requirement, at the time of the inspection, the nickel-63 foil/detector cell Model 009-0282 was being used by R. Woods, of the Water and Energy Institute, with no supervision by the authorized user, Jefren L. Demeterio.

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

Pursuant to the provisions of 10 CFR 2.201, University of Guam is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, Region V within 30 days of the date of the letter transmitting this 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 if admitted, (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. Consideration may be given to extending the response time for good cause shown.

FOR THE NUCLEAR REGULATORY COMMISSION

  
Robert J. Pate, Chief  
Nuclear Materials Safety and  
Safeguards Branch

Dated at Walnut Creek, California  
this 16th day of February 1989