

NOTICE OF VIOLATION

Department of Health and Human Services
Bethesda, Maryland 20892

Docket No. 030-01786
License No. 19-00296-10

During an NRC inspection conducted on September 16-20, 1996, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

Condition 29 of License No. 19-00296-10 requires that the licensee conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed in Condition 29. The documents listed in Condition 29 include a letter submitted by the licensee in support of license renewal on September 6, 1988. Attachment 6 of the September 6, 1988 letter describes the licensee's "Procedures for Safely Opening Packages Containing Radioactive Material". Item 5 of this procedure requires that the individual opening the package "verify that the stated contents agree with the order placed by the Authorized User".

Contrary to the above, on August 8, 1996, an individual opening a package containing radioactive material did not verify that the stated contents agreed with the order placed by the Authorized User. Specifically, on August 6, 1996, an Authorized User ordered 500 microcuries of phosphorus-33 but, because of a data entry error, Radiation Safety Branch records indicated that only 250 microcuries of phosphorus-33 were ordered. On August 8, 1996, the licensee received the package containing 500 microcuries of phosphorus-33 in two vials (250 microcuries of phosphorus-33 per vial). Licensee personnel reviewed the Radiation Safety Branch record of the order which indicated that only 250 microcuries of phosphorus-33 were ordered. Personnel opened the package but failed to identify that the package contained two vials, each containing 250 microcuries of phosphorus-33.

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

Pursuant to the provisions of 10 CFR 2.201, the Department of Health and Human Services 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 I, 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. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an Order or a Demand for Information may be issued as to 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.

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Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.