

DEC 23 1996

Docket No. 070-03074

License No. SNM-1995

Mr. James P. Lewis
Director of Projects and Grants
Columbia University
500 West 120th Street
398 Engineering Terrace
Mail Code #2215
New York, New York 10027

SUBJECT: INSPECTION NO. 070-03074/96-001

Dear Mr. Lewis:

On November 6, 1996, Dr. John McFadden and I conducted a safety inspection at 500 West 120th Street of activities authorized by the above-listed NRC license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspectors, interviews with personnel, and a selective examination of representative records. In addition, our inspection examined the activities covered in your correspondence concerning previous violations and dated August 13, 1993, June 14, 1994, and August 22, 1994. Also, your activities with byproduct material, specifically carbon-14 and protactinium-233, in international waters and in Antarctica, were reviewed. The findings of the inspection were discussed with Ms. Loretta Greenholtz and Mr. George Hamawy of your staff, at the conclusion of the inspection.

This also refers to a telephone conversation on December 17, 1996 between Dr. McFadden and Ms. Greenholtz. During that telephone discussion, Dr. McFadden explained that we have carefully reviewed NRC regulations and policy and have concluded that Agreement States may not authorize activities in international waters or on or near Antarctica. Therefore, an NRC license is required to authorize such activities. It is our understanding that, within 30 days of the date of this letter, you will apply for a NRC license to authorize your use of byproduct material in international waters and Antarctica.

Based on the results of this inspection, it appears that your activities were not conducted in full compliance with NRC requirements. A Notice of Violation is enclosed and categorizes each violation by severity level in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG 1600. You are required to respond to this letter 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. Your

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Mr. J.P. Lewis
Columbia University

-2-

response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

Both of the Items in the Notice of violation enclosed with this letter were identified during a previous inspection of your licensed activities and documented in a Notice of Violation enclosed with our letter dated April 29, 1994. With regard to Item A, we would normally not issue a second violation for failure to retain the same receipt record. However, your letter dated June 14, 1994 stated that all receipt records had been identified except one receipt record for a PuBe source. During this inspection, we found that at least two receipt records were not available for review. You should direct special attention to your physical inventory of special nuclear material (SNM). Meticulous physical inventories and records of SNM are required, and the explanations for any discrepancies between successive inventories must be clear and complete. In addition, while you did take corrective actions in the area of training, these were apparently not sufficiently comprehensive to assure that all users receive required annual retraining. Recurrent violations are given additional weight in the consideration and selection of appropriate enforcement action. Therefore, in your response to this letter, you should give particular attention to those actions taken or planned to ensure that identified violations will be completely corrected and will not recur.

Please use the enclosed self-addressed green envelope when you respond to this letter to assist us in the timely processing of your response. In accordance with Section 2.790 of NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and your reply will be placed in the Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public. 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.

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Mr. J.P. Lewis
Columbia University

-3-

Your cooperation with us is appreciated.

Sincerely,

ORIGINAL SIGNED BY:

John D. Kinneman, Chief
Nuclear Materials Safety Branch 2
Division of Nuclear Materials Safety

Docket No.: 070-03074
License No.: SNM-1995

Enclosure:
Notice of Violation

cc w/enclosure:
George Hamawy, Radiation Safety Officer
Loretta A. Greenholtz, Director of Environmental Health and Safety
David Brenner, Ph.D., Chairman of Radiation Safety Committee
State of New York
City of New York

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-4-

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NAME	JMcFadden/jrm		JK Newman				
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