

December 26, 1996

Docket Nos.	030-01867	License Nos.	20-03814-80
	030-00239		20-03814-14
	030-08948		20-03814-81
	070-01757		SNM-1490

EA No. 96-497

Maryanne Spicer, Director  
Corporate Compliance  
Massachusetts General Hospital  
55 Fruit Street  
Boston, Massachusetts 02114

SUBJECT: INSPECTION NOS. 030-01867/96-001, 030-00239/96-001, 030-08948/96-001, AND 070-01757/96-001

Dear Ms. Spicer:

This refers to the inspection conducted on November 19-22, 1996, at your facilities located in Boston and in Charlestown, Massachusetts. The purpose of the inspection was to determine whether activities authorized by the licenses were conducted safely and in accordance with NRC requirements. At the conclusion of the inspection, the findings were discussed with you and those members of your staff identified in the enclosed report.

Areas examined during the inspection are identified in the report. Within these areas, the inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observation of activities in progress.

Based on the results of this inspection, one apparent violation was identified and is being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG 1600. The apparent violation involved several examples of the failure to secure, or to maintain under constant surveillance, licensed material that was located in unrestricted areas. The circumstances surrounding this apparent violation, the significance of the issues, and the need for lasting and effective corrective action were discussed with you and members of your staff at the inspection exit meeting on

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November 22, 1996. As a result, it may not be necessary to conduct a predecisional enforcement conference in order to enable the NRC to make an enforcement decision. However, a Notice of Violation is not presently being issued for these inspection findings. Before the NRC makes its enforcement decision, we are providing you an opportunity, within 20 days of the date of this letter, to either (1) respond to the apparent violation addressed in this inspection report or (2) request a predecisional enforcement conference.

Your response should be clearly marked as a "Response to An Apparent Violation in Inspection Report Nos. 030-01867/96-001, 030-00239/96-001, 030-08948/96-001, AND 070-01757/96-001" and should include for each apparent violation: (1) the reason for the apparent violation, or, if contested, the basis for disputing the apparent 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 should be submitted under oath or affirmation and may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a predecisional enforcement conference.

If you choose not to provide a response and would prefer participating in a predecisional enforcement conference, please contact Mohamed Shanbaky, Ph.D. at (610) 337-5209 as soon as possible.

In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response (if you choose to provide one) will be placed in the NRC 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.

M. Spicer  
Massachusetts General Hospital

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The responses to the apparent violations described in the enclosed inspection report are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Sincerely,

Original Signed by J Kinneman for:

Charles W. Hehl, Director  
Division of Nuclear Materials Safety

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070-01757

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Enclosures:

1. Inspection Report Nos. 030-01867/96-001, 030-00239/96-001, 030-08948/96-001, and 070-01757/96-001
2. NUREG 1600 (Enforcement Policy)

cc w/enclosures:

Rex Woodleigh, Radiation Safety Officer  
Commonwealth of Massachusetts

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M. Spicer  
Massachusetts General Hospital

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