

DEC 17 1996

Docket No. 030-00582
EA No. 399

License No. 06-00183-03

Stephanie Spangler, M.D.
Deputy Provost
Yale University
320 York Street, 136 HGS
P.O. Box 208236
New Haven, CT 06520-8236

SUBJECT: INSPECTION NO. 030-00582/96-002

Dear Dr. Spangler:

On September 30 and October 1, 1996, Penny Lanzisera and Keith Brown of this office conducted a safety inspection at your facility of activities authorized by the above listed NRC license. The inspection was limited to a review of: 1) the corrective actions taken to address the items outlined in the Confirmatory Action Letter (CAL) 1-96-006; 2) your investigation of a lost thorium-228 source; and 3) your investigation of concerns regarding the waste handling facility brought to your attention by University employees. A copy of the NRC inspection report is enclosed. The findings of the inspection were discussed with you and other members of your staff, at the conclusion of the inspection. This also refers to telephone conversations between Penny Lanzisera of my staff and Agnes Barlow, your Radiation Safety Officer, on October 11 and October 24, 1996, and a telephone conversation on October 30, 1996, between Elizabeth Ullrich, Keith Brown, and Penny Lanzisera of my staff and Agnes Barlow and David Monz, a contractor, of your staff.

The inspection identified a significant improvement in your program to secure licensed materials, even though a violation in this area was identified. Your security audits have identified approximately ninety-seven percent compliance with your current security policies. We note that your Radiation Safety Committee is currently considering actions needed to ensure that small quantities of licensed materials contained in waste and in shared storage areas are secured. We also note that on October 1, 1996, you implemented an enforcement policy specifically addressing security of radioactive material. We encourage your efforts to improve your security program towards a goal of one hundred percent compliance.

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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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.

The violation described in the attached Notice of Violation involves the storage and control of licensed material. After careful consideration of the factors involved in this specific instance and in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) NUREG 1600, the violation is classified at a Severity Level IV violation. Specifically, the unsecured material posed a minimal health and safety problem because of the small quantity of licensed material, the fact that it was contained in an experimental apparatus, and the circumstances represent an isolated rather than a programmatic weakness in your radiation safety program. Although the licensed material was unattended, it was in an authorized laboratory that was appropriately posted. The root cause of the violation appears to be a failure to follow security procedures by one researcher. As discussed earlier, it is important to assure that you achieve a very high level of compliance with the requirement for security of licensed material. Similar violations of this type in the future may result in additional enforcement action.

The inspectors reviewed concerns raised by University employees regarding the radioactive waste handling program. Yale University commissioned an external investigation into these concerns. The report of this investigation contains sensitive personnel information, and you did not make the report available for review by the inspectors. The inspectors interviewed the attorney who performed the investigation and determined that the results of your investigation agree with the results of their inspection of these concerns. While we have completed this inspection without reviewing that report, we may exercise our right to review any document associated with licensed activities during future inspections.

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.

S. Spangler
Yale University

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Your cooperation with us is appreciated.

Sincerely,

ORIGINAL SIGNED BY:

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

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Enclosures:

1. Inspection Report No. 030-00582/96-002
2. Notice of Violation
3. NUREG 1600

cc w/enclosures:

Agnes Barlow, Radiation Safety Officer
135 College Street
New Haven, CT 06510-2411

State of Connecticut

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S. Spangler
Yale University

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NAME	Brown <i>200</i>		Lanzisera <i>L</i>		Kenneman			
DATE	12/17/96		12/11/96		12/11/96		12/ /96	

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