

ENCLOSURE

NOTICE OF VIOLATION

University of Oklahoma Health Sciences Center

Docket No.: 030-15184

Oklahoma City, Oklahoma

License No.: 35-03176-05

During an NRC inspection conducted from September 4 to December 20, 1996, four violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

- A. Condition 19 of License No. 35-03176-05 states, in part, that licensed materials shall be used in accordance with the statements, representations, and conditions specified in the application dated December 13, 1990.

Page 37 of the application dated December 13, 1990, states, in part, that soil will be collected monthly at various locations in unrestricted areas and will be measured for radioactivity.

Page 38 of the application dated December 13, 1990, states, in part, that monthly air sampling of restricted and unrestricted areas will be performed.

Contrary to the above, in August 1996, no soil samples were collected and air sampling was not conducted.

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

- B. 10 CFR 71.5(a) requires that each licensee who transports licensed material outside of the site of usage, as specified in the NRC license, or on public highways, or who delivers licensed material to a carrier for transport, comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 170 through 189.

1. 49 CFR 173.427(a)(6) requires, in part, with exceptions not applicable here, that for Low Specific Activity (LSA) material to be consigned as exclusive use, (1) the transport vehicle must be placarded in accordance with subpart F of 49 CFR Part 172 and (2) specific instructions for maintenance of exclusive use shipment controls must be included with the shipping paper information.

Contrary to the above, from December 1995 to September 4, 1996, the licensee routinely transported radioactive material classified as LSA material

and consigned as exclusive use over public roads in Oklahoma without placarding the transport vehicle and without including specific instructions for maintenance of exclusive use shipment controls.

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

2. 49 CFR 173.475(i) requires, in part, that before each shipment of any Class 7 (radioactive) materials package, the offeror must ensure, by examination or appropriate tests, that external contamination levels are within the allowable limits specified in 49 CFR 173.443.

Contrary to the above, from December 1995 to September 4, 1996, the licensee routinely transported packages of Class 7 (radioactive) material classified as LSA material over public roads in Oklahoma without ensuring by examination or appropriate tests before each shipment that external contamination levels were within the allowable limits specified in 49 CFR 173.443.

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

3. 49 CFR 177.817(a) requires that a carrier not transport a hazardous material unless it is accompanied by a shipping paper prepared in accordance with 49 CFR 172.-200-203. Pursuant to 49 CFR 172.101, radioactive material is classified as hazardous material.

Contrary to the above, from December 1995 to September 4, 1996, the licensee routinely transported licensed radioactive material, classified as low specific activity material, over public roads in Oklahoma City without a shipping paper.

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

Pursuant to the provisions of 10 CFR 2.201, the University of Oklahoma Health Sciences Center 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 IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, 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.

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.

Dated at Arlington, Texas  
this 22nd day of January 1997