

NOTICE OF VIOLATION  
AND  
PROPOSED IMPOSITION OF CIVIL PENALTY

Syncor International  
Hartford, Connecticut

Docket No. 030-19066  
License No. 06-19661-01MD  
EA 85-78

On April 23, 1985, an NRC safety inspection was conducted in Hartford, Connecticut of activities authorized under NRC License No. 06-19661-01MD. During the inspection, three violations of NRC requirements were identified. One of the violations involved licensed material being left unsecured and unattended inside of unlocked motor vehicles within an unrestricted area. At the time, the keys were in the ignition of the vehicles and the motor was running. In addition, another violation, involving the failure to have a fume hood exhaust fan turned on while licensed material was in storage, is a recurrent violation which was previously identified by the NRC during the three previous inspections conducted in 1984, 1982 and 1981.

In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1985), the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended, ("Act"), 42 U.S.C. 2282, PL 96-295 and 10 CFR 2.205. The particular violations and the associated civil penalty are set forth below:

I. VIOLATION ASSESSED A CIVIL PENALTY

10 CFR 20.207(a) requires that licensed materials stored in an unrestricted area be secured against unauthorized removal from the place of storage. 10 CFR 20.207(b) requires that materials not in storage be under constant surveillance and immediate control of the licensee. As defined in 10 CFR 20.3(a)(17), an unrestricted area is any area access to which is not controlled by the licensee for purposes of protection of individuals from exposure to radiation and radioactive materials.

Contrary to the above, on April 23, 1985, licensed materials were placed in unlocked motor vehicles located in an unrestricted area at the licensee's Hartford, Connecticut facility, and the materials were neither under constant surveillance nor immediate control of the licensee. Specifically, the vehicles were left unattended with the keys in the ignition and the motors running.

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

Civil Penalty - \$2,500

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II. VIOLATIONS NOT ASSESSED A CIVIL PENALTY

- A. Condition 23 of License No. 06-19661-01MD requires that licensed material be possessed and used in accordance with statements, representations, and procedures contained in an application dated January 8, 1981.

Item 21 of this application requires a high flow rate of air through the fume hood when xenon-133 is stored there.

Contrary to the above, on April 23, 1985, the fume hood did not have a high flow rate of air when millicurie quantities of xenon-133 were stored there since the exhaust fan was not turned on.

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

- B. 10 CFR 20.201(b) requires that each licensee make such surveys as may be necessary to comply with all sections of Part 20. As defined in 10 CFR 20.201(a), "survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions.

Contrary to the above, as of April 23, 1985, surveys were not made to assure compliance with 10 CFR 20.201(b). Specifically, surveys were not made of the radiation levels in the unrestricted area outside the pharmacy receiving area where licensed material was received.

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

Pursuant to the provisions of 10 CFR 2.201, Syncor International is hereby required to submit to the Director, Office of Inspection and Enforcement, United States Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the Regional Administrator, United States Nuclear Regulatory Commission, Region I, 631 Park Avenue, King of Prussia, PA 19406, within 30 days of the date of this Notice, a written statement or explanation in reply, including for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that will be taken to avoid further violations, and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, the Director, Office of Inspection and Enforcement, may issue an order to show cause why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required above under 10 CFR 2.201, Syncor International may pay the civil penalty by letter addressed to the Director, Office of Inspection and Enforcement, with a check, draft, or money order payable to the Treasurer of the United States in the cumulative amount of Two Thousand Five Hundred Dollars (\$2,500) or may protest imposition of the civil penalty in whole or in part by a written answer addressed to the Director, Office of Inspection and Enforcement. Should Syncor International fail to answer within the time specified, the Director, Office of Inspection and Enforcement, will issue an order imposing the civil penalty in the amount proposed above. Should Syncor International elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, such answer may: (1) deny the violations listed in this Notice in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the five factors addressed in Section V.B of 10 CFR Part 2, Appendix C, should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g. citing page and paragraph numbers) to avoid repetition. Syncor International's attention is directed to the other provisions of 10 CFR 2.205 regarding the procedure for imposing civil penalties.

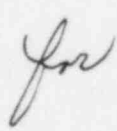
Upon failure to pay the civil penalty due, which has been subsequently determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42. U.S.C. 2282.

FOR THE NUCLEAR REGULATORY COMMISSION

ORIGINAL SIGNED BY:

JAMES M. ALLAN

Thomas E. Murley  
Regional Administrator

Dated at King of Prussia, Pennsylvania  
this 8<sup>th</sup> day of August 1985