

FEB 12 1997

CAL No. 1-97-005

Edward Bresnick, Ph.D.
Vice Chancellor for Research Administration
University of Massachusetts
55 Lake Avenue North
Worcester, Massachusetts 01655-0118

SUBJECT: CONFIRMATORY ACTION LETTER

Dear Dr. Bresnick:

During an inspection conducted on February 4-6, 1997, by Thomas K. Thompson of the NRC Region I Office, the inspector identified five examples of failure to secure, or to maintain under constant surveillance, licensed material that was located in unrestricted areas. Specifically, the inspector was able to access five laboratories where microcurie quantities of phosphorus-32, carbon-14 and hydrogen-3 were present in unlocked refrigerators and no one was present to maintain constant surveillance over the unsecured licensed materials. Additionally, your Radiation Safety Officer (RSO), has on numerous occasions, identified a lack of security of radioactive materials which included an incident on February 3, 1997 involving 100-200 millicuries of strontium-90 in dispersible form that was left unsecured.

Pursuant to a telephone conversation between Thomas Manning of your staff and Mohamed Shanbaky of the NRC on February 11, 1997, it is our understanding that you have taken, or will take, the following actions which will be completed by the dates specified:

1. Following the NRC's identification of unsecured radioactive materials in five laboratories on February 4-6, 1997, and the RSO findings, the RSO immediately secured the radioactive materials and counseled personnel present in the laboratories about security requirements. The NRC's findings will be reviewed by the Radiation Safety Committee during the next quarterly meeting, and appropriate action for these violations will be taken.
2. Every two weeks, the Radiation Safety Officer or his designees, will tour areas where licensed radioactive materials are stored or utilized in order to evaluate the adequacy of radioactive material security in each facility. These tours will be conducted during normal working hours, evening hours, early morning hours, weekends and holidays, by personnel who are knowledgeable of the regulatory requirements related to the security of radioactive materials.

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3. By February 12, 1997, the Radiation Safety Officer will issue a memorandum to all Permit Holders notifying them of the NRC's findings; reminding them about the importance of maintaining adequate security of licensed radioactive materials; and requiring them to attend a meeting to discuss security options. All Permit Holders or their designated Alternates must attend the meeting.
4. The mandatory meeting for all Permit Holders or their Alternates will be held by February 21, 1997. During this meeting, various options and methods for improving radioactive material security will be presented. All Permit Holders will be required to submit a security plan for their laboratories to the Radiation Safety Officer by March 7, 1997.
5. The Radiation Safety Officer or his designee will perform an onsite evaluation of each Permit Holder's security plan by March 14, 1997. A report of the Radiation Safety Officer's findings will be submitted to NRC Region I by March 21, 1997.

Pursuant to Section 182 of the Atomic Energy Act, 42 U.S.C. 2232, you are required to:

- 1) Notify me immediately if your understanding differs from that set forth above;
- 2) Notify me if for any reason you cannot complete the actions within the specified schedule and advise me in writing of your modified schedule in advance of the change; and
- 3) Notify me in writing when you have completed the actions addressed in this Confirmatory Action Letter.

Issuance of this Confirmatory Action Letter does not preclude issuance of an order formalizing the above commitments or requiring other actions on the part of the licensee; nor does it preclude the NRC from taking enforcement action for violations of NRC requirements that may have prompted the issuance of this letter. In addition, failure to take the actions addressed in this Confirmatory Action Letter may result in enforcement action.

The responses directed by this letter 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.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and your response 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

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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.

Sincerely,

Original Signed By:

F. Castillo for

Charles W. Hehl, Director
Division of Nuclear Materials Safety

Docket No. 030-01972
License No. 20-13758-01

cc:
Joseph Bakanauskas, M.S., Radiation Safety Officer
Commonwealth of Massachusetts

E. Bresnick, Ph.D.
University of Massachusetts

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