

February 19, 1997

Docket No. 030-01972
EA No. 97-69

License No. 20-13758-01

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

SUBJECT: INSPECTION NO. 030-01972/97-001

Dear Dr. Bresnick:

This refers to the inspection conducted on February 4-6, 1997 at 55 Lake Avenue and 373 Plantation Street. The purpose of the inspection was to determine whether activities authorized by the license 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 inspection report (Enclosure 1).

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, two apparent violations were identified. The apparent failure to adequately secure licensed radioactive materials 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 findings include several examples of an apparent violation for failure to secure from unauthorized removal or access, licensed material stored in research laboratories. One recent event involved a laboratory controlled by the Radiation Safety Committee Chairman and an adjacent laboratory which contained 100 to 200 millicuries of strontium-90 in a generator which could have been accessed by untrained personnel or unauthorized individuals. Accordingly, no Notice of Violation is being issued at the present time for these inspection findings. 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.

A predecisional enforcement conference to discuss these apparent violations has been scheduled for 1:00 p.m. on February 27, 1997. This predecisional enforcement conference will be transcribed. We understand that the conference will be attended by yourself, Mr. Thomas Manning, R. Brill, Ph.D., Mr. Joseph Bakanauskas and other members of your staff. The decision to hold a predecisional enforcement conference

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does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference is being held to obtain information to enable the NRC to make an enforcement decision, such as a common understanding of the facts, root causes, missed opportunities to identify the apparent violation sooner, corrective actions, significance of the issues and the need for lasting and effective corrective action. In addition, this is an opportunity for you to point out any errors in our inspection report and for you to provide any information concerning your perspectives on 1) the severity of the violations, 2) the application of the factors that the NRC considers when it determines the amount of a civil penalty that may be assessed in accordance with Section VI.B.2 of the Enforcement Policy, and 3) any other application of the Enforcement Policy to this case, including the exercise of discretion in accordance with Section VII. This conference will be open to public observation in accordance with the Commission's continuing trial program as discussed in the enclosed excerpt from the Enforcement Policy (Enclosure 2). Although not required, we encourage you to provide your comments on how you believe holding this conference open to public observation affected your presentation and your communications with the NRC.

You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding these apparent violations is required at this time.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

Sincerely,

Original Signed By:
Francis M. Costello .



Charles W. Hehl, Director
Division of Nuclear Materials Safety

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Enclosures:

1. Inspection Report No. 030-01972/97-001
2. NUREG 1600 (Enforcement Policy)

cc w/enclosures:

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

Distribution: w/enclosure 1

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