

ENCLOSURE

NOTICE OF VIOLATION

University of Massachusetts  
Worcester, Massachusetts

Docket No. 030-01972  
License No. 20-13758-01  
EA No. 97-069

During an NRC inspection conducted on February 4-6, 1997, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG-1600, the violations are listed below:

- A. 10 CFR 20.1801 requires that the licensee secure from unauthorized removal or access licensed materials that are stored in controlled or unrestricted areas. 10 CFR 20.1802 requires that the licensee control and maintain constant surveillance of licensed material that is in a controlled or unrestricted area and that is not in storage. As defined in 10 CFR 20.1003, an unrestricted area means an area, access to which is neither limited nor controlled by the licensee.

Contrary to the above,

1. on February 3, 1997, the licensee did not secure from unauthorized removal or limit access to licensed material stored in Rooms 806 and 802 of the Medical Center, unrestricted areas, nor did the licensee control and maintain constant surveillance of this licensed material. Specifically, on that date, the licensee's Radiation Safety Officer identified that the two labs were left open and unsecured, and at the time, Room 806 contained a 10C-200 millicurie strontium-90 generator, and Room 802 had strontium-90 contamination in a sink, two byproduct waste barrels, and contaminated apparatus used with the strontium-90 generator eluent; and
2. between February 4-6, 1997, the licensee did not secure from unauthorized removal or limit access to licensed material stored in certain laboratories, unrestricted areas, nor did the licensee control and maintain constant surveillance of this licensed material. Specifically,
  - a. labeled vials containing approximately 356 microcuries of phosphorus-32 were found in a posted refrigerator within posted laboratory (Room S7-129); however, the refrigerator and the laboratory were unlocked and the laboratory was unattended;
  - b. a labeled vial containing approximately 250 microcuries of phosphorus-32 (as of January 18, 1997), was found in a posted refrigerator within a posted laboratory (Room S4-221); however, the refrigerator and laboratory were unlocked and the laboratory was unattended;
  - c. vials containing approximately 1130 microcuries of phosphorus-32 (as of February 2, 1997), 300 microcuries of phosphorus-32 (as of December 30, 1996), and 46 microcuries of hydrogen-3, were found in a posted refrigerator within a posted laboratory Suite 301 of the 373

Plantation Street facility; however, the refrigerator and laboratory were unlocked and the laboratory was unattended. The vials were contained inside a small locked plexiglass container measuring approximately 4"x8"x12"; however, this container was easily removable and not secured.

This is a Severity Level III violation (Supplements IV and VI).

- B. 10 CFR 35.406(b) requires, in part, that a licensee make a record of brachytherapy source use, including the number and activity of sources removed from storage.

Contrary to the above, on February 5, 1997, the licensee's record of brachytherapy source usage for December 18-20, 1996, did not include the number and activity of sources removed from storage.

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

Pursuant to the provisions of 10 CFR 2.201, University of Massachusetts is 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 I, 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 the Notice, an order or 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.

Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, or proprietary, 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).

Dated at King of Prussia, Pennsylvania  
this 28th day of February 1997

University of Massachusetts

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