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May 6, 1997

Roy J. Caniano, Acting Director
Division of Nuclear Materials Safety
US Nuclear Regulatory Commission
Region III
801 Warrenville Road
Lisle, IL 60532-4351

FILE 100

Dear Mr. Caniano:

The following is our "**Reply to a Notice of Violation**" stemming from your letter of April 28, 1997, to St. Mary's University of Minnesota after our recent NRC inspection.

License No: 22-00027-06

Docket No: 030-11241

Violation 1: From March 1995, thru March 1997, physical inventories of the sources possessed under the license were performed only annually instead of semi-annually.

The following is a reason for the violation; it is not considered an excuse. For the first three years after our 1991 inspection, we performed the inventories on a 6-month basis. In 1995 because of low enrollment, we shifted the course in Radiation Physics from the fall to the spring semester and we seriously considered terminating our radiation training program. The RSO was careless in maintaining the records during this time of transition.

The RSO has written a reminder onto his appointment calendar indicating that at the beginning of each semester, he needs to perform leak checks, inventory the stock, and complete the laboratory surveys. The secretary for the Dean of the School of Science and Mathematics will also put these dates on her calendar and will send a reminder to the RSO at the beginning of each semester. This additional reminder to the RSO should be sufficient to ensure compliance.

Full compliance can only be achieved by January of 1998, when we will have completed one full year with the two inventories, one in September and one in January.

Violation 2: From March 1995, to March 1997, leak checks of sealed sources were performed annually instead of semi-annually.

The reason, not excuse, for the violation is the same as in violation 1 above. We performed the leak checks semi-annually for the first three years after inspection and failed to comply only in the last two years.

The RSO has written a reminder onto his appointment calendar indicating that at the beginning

of each semester, he needs to perform leak checks, inventory the stock, and complete the laboratory surveys. The secretary for the Dean of the School of Science and Mathematics will also put these dates on her calendar and will send a reminder to the RSO at the beginning of each semester. This additional reminder to the RSO should be sufficient to ensure compliance.

Full compliance can only be achieved by January 1998, when we will have completed one full year with the two leak checks, one in September and one in January.

Violation 3: Between March 1995, and April 1997, surveys and wipe tests of areas where liquid isotopes were used were not performed and recorded.

Only twice during each of those two years were liquid isotopes, H-3 and C-14, used. In each case involving C-14, the area was surveyed with a GM counter but the negative results were not properly recorded. Also because of the uncertainty in the continuance of the program the RSO was careless in performing the wipe tests, required for the H-3 area surveys. The reason (not an excuse) is that the program is very small and the RSO was consumed by other activities.

The RSO has written a reminder onto his appointment calendar indicating that at the beginning of each semester, he needs to perform leak checks, inventory the stock, and complete the laboratory surveys. The secretary for the Dean of the School of Science and Mathematics will also put these dates on her calendar and will send a reminder to the RSO at the beginning of each semester. This additional reminder to the RSO should be sufficient to ensure compliance.

The first corrective action was actually taken the day before our inspection when the RSO performed the wipe tests and area surveys for this semester.

Full compliance can only be achieved by January 1998 when we will have completed one full year with the area surveys after each use and the surveys at the beginning of each semester, one in September and one in January.

Violation 4: On two occasions the licensee transported 33 mCi, and 30 mCi of Tc-99m, where the material was not properly classed, described, packaged, marked, labeled and in condition for shipment as required.

The RSO does not transport radioactive materials very often (once or twice a year), and in this case it was a very short distance from the hospital. Although he felt that his method was safe he did not comply with the proper regulations.

We have contacted the commercial supplier for the local hospital, SYNCOR-Inc. They have agreed to send a properly packaged "limited quantity" of 20 mCi of Tc-99m for our use.

Full compliance can only be achieved by January 1998, when we will receive our next shipment of Tc-99m.

Violation 5: On Sept. 22, 1994 and on January 21, 1996, the licensee received packages containing 33 mCi, and 30 mCi respectively of Tc-99m that was not exempt from the monitoring requirement, and the licensee did not monitor the package for radioactive contamination.

The following is a reason for the violations, it is not considered an excuse. The RSO personally transported the material. There was no evidence of any damage to the container. The RSO monitored the container with a GM counter but did not properly record the negative results. The 6-hour half life of the isotope made any minor contamination that may have occurred of minimal radiological significance. The area and personnel were monitored immediately after use with the GM counter and no contamination was found. Again, through carelessness this was not recorded.

As explained above we have contacted the supplier and they will reduce the quantity to 20 mCi which, we believe, places it below the monitoring requirement stated in 10 CFR 20.1906(b)1.

If at any time we receive a "labeled" package (i.e. with a White I, Yellow II, or Yellow III) we will monitor the external surfaces and perform the required wipe test.

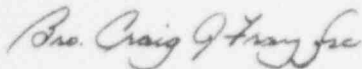
Also if there is any indication of degradation of any package containing radioactive materials we will perform the wipe tests and external monitoring, as required by 10 CFR 20.1906(b)3.

Full compliance can be achieved when we receive our next shipment in January 1998. At this time it will be only 20 mCi.

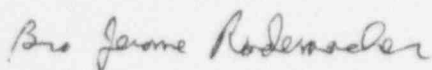
We believe that with the above response we have properly replied to our "Notice of Violation". If there is anything unclear or we have not properly responded please let us know.

We appreciate your efforts and feel that our program will be run much better as a result of the inspection program.

Sincerely yours,



Brother Craig J. Franz, F.S.C., Ph.D.
Dean, School of Mathematics and Science



Brother Jerome Rademacher, F.S.C., Ph.D.
Radiation Safety Officer