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DRP Information Notice 96-05

Memorandum

To: All Radioactive Material Licensees

From: J. Aaron Padgett, Chief
Radioactive Materials Section *J. Aaron Padgett*

Subject: Administrative Penalties, Other Information of Interest

This Information Notice contains information that may be of interest to licensees. No response or any other action is required of licensees as a result of this Information Notice. Items that may be of interest to licensees include the following:

1. Administrative Penalties

The Division of Radiation Protection (DRP) recently levied administrative penalties of \$2500.00 each against two licensees. The administrative penalties resulted from the sale and receipt of assets that included licensed radioactive material. The ownership of the radioactive material was transferred from licensee "A" to licensee "B" without ensuring that the radioactive material remained in the possession of a properly licensed entity. Licensee "A" was penalized by DRP for transferring licensed radioactive material to an unlicensed entity. Licensee "B" was penalized by DRP for possessing radioactive material without being licensed to possess the radioactive material. Licensee "B" was aware of the requirement for licensure since Licensee "B" was licensed to use radioactive material at another location within the State. The situation was discovered by an inspector while conducting a routine inspection.

2. Common violations cited during Radioactive Material Inspections

The Radioactive Materials Section recently began leaving a customer feedback form with licensees at inspection close-outs. This form requests licensees to rate how the inspection was conducted. These ratings assist us in improving our inspection of radioactive material use within North Carolina. One section of the form asks for suggestions about how we can improve our service to licensees. Several licensees have suggested that we share information on the types of violations that are commonly found during inspections. As a result, we have reviewed the most recent violations and compiled some information that may be of interest to licensees. The largest general grouping of violations appears to be in the management/supervision of radiation protection programs. This grouping accounted for just under one-half of all the violations cited

during the time period reviewed. A more detailed breakdown of this general grouping along with a reference to the regulatory requirement most frequently cited is as follows:

- Annual review of the radiation protection program (.1603) = 15%;
- Having required procedures/regulations (license condition) = 8%;
- Dose to public (.1611,.1612,.1641) = 7%;
- Declared pregnant female [.1610, .0104(25)] = 5%;
- Allowing use by unqualified person (license condition) = 4%;
- Annual review of Quality Management Program (.0356) = 4%;
- Training requirements (.0510) = 3%;
- Quarterly audits (.0323) = 1%; and,
- Posting of information (.1002) = 1%.

Another general grouping appears to be in the area of surveys/monitoring/calibrations required. This general area accounted for about one-third of the violations cited. A more detailed breakdown of the grouping is as follows:

- Calibrations (instruments & equipment) (license condition) = 10%;
- Leak testing of sealed sources (license condition) = 9%;
- Required radiation surveys (license condition) = 6%;
- Utilization logs (license condition) = 3%;
- Required inventory (license condition) = 2%;
- Required labeling (license condition) = 2%; and,
- Required posting (.1624) = 2%.

Transportation/shipping of radioactive material is a third general area and it accounted for 8% of the cited violations (49 CFR 172, 173). Dosimetry is a fourth general area and it accounted for 4% of the cited violations(.1614, .1640). Miscellaneous other violations included the following:

- Shipment of Radioactive Material to a licensee at a temporary job site;
- License not current;
- Improper disposal of radioactive material;
- Exceeded possession limits;
- Timely notification of DRP about work at temporary job site (3-day prior notification); and,
- Having records available for inspection.

3. Leak Testing of Sealed Source Stored as "Waste"

Recent discussions with one licensee about storage of a sealed source as waste may be of interest to others. Many licensees are storing waste because of the limited options available for disposal of waste generated in North Carolina. This licensee declared a sealed source to be "waste" and placed the source inside a waste container. The waste container was then stored in the licensee's waste storage area. The licensee did not plan further leak tests on the sealed source since the sealed source had been declared to be "waste" by the licensee. However, that approach would violate the leak testing condition of the license held by the licensee. The license contains no condition that excuses the requirement for leak testing simply because a licensee declares the

source to be "waste." Obviously, the source would no longer require leak testing if it was transferred to a licensed facility for disposal. However, the source will continue to require leak testing as long as it remains in the possession of the licensee and the leak testing provision of the license is not modified by DRP.

4. **Designation of Radioactive Material Users by Licensees**

Two recent policy changes allow certain licensees, **after the licensee obtains an amendment to their license**, to designate users of radioactive materials under their radioactive material license. These two policy changes should save time for both licensees and DRP. The categories of licensees affected are portable gauges and group medical and accelerator (healing arts) licensees. In the case of group medical and accelerator licenses, the licensee can designate an individual as a user under their license if the individual is (1) a physician licensed to practice medicine in N. C. and (2) either certified by one or more of the organizations named in the license condition or named as a user on a North Carolina Radioactive Materials License. In the case of portable gauge licenses, the licensee can designate an individual as a user if the individual has a certificate of completion from the manufacturer's user training course. In each of the two cases above, the license condition contains specific requirements that must be met prior to the designation of a user by the licensee, and the license condition contains specific requirements with respect to record retention. To reemphasize, a condition must be added to a license **before** that licensee can designate radioactive material users under their license.