

July 21, 1998

Dr. Klaus Berkner
[]
University of California
Lawrence Berkeley National Laboratory
One Cyclotron Road
Berkeley, CA 94720

Subject: Enforcement Letter
Noncompliance Report: NTS-SAN--LBL-NSD-1997-0002

Dear Dr. Berkner:

This letter refers to the Department of Energy's (DOE) evaluation of Lawrence Berkeley National Laboratory's (LBNL) report of potential noncompliances with the requirements of 10 CFR 835 (Occupational Radiation Protection). The noncompliances involved the repeated failure of a laboratory researcher during 1996 - 1997 to adhere to LBNL's work authorization process and radiological work controls during research activities with a radioactive isotope, [].

On May 27, 1998, the Office of Enforcement and Investigation (EH-10) issued a letter to you, requesting information regarding this noncompliance report. EH-10 received your response dated June 12, 1998.

Based upon our evaluation, we have concluded that noncompliances with 10 CFR 835 have occurred. Specifically, noncompliances with (1) Monitoring in the Workplace, (2) Individual Monitoring, (3) Entry Control, (4) Design and Control (Administrative Controls), and (5) Posting and Labelling. Under the evaluation criteria described in the DOE Enforcement Policy (Appendix A to 10 CFR 820), the circumstances surrounding these violations, as described in EH-10's information request dated May 27, 1998, would warrant enforcement action including the imposition of civil penalties. However, I have decided to defer enforcement actions on these issues contingent upon the long term effectiveness of corrective actions to prevent recurrence. Further violations involving similar repetitive, underlying causes will result in escalated enforcement.

If you would like to discuss these matters further, please contact Ms. Susan Adamovitz of my staff at 301-903-0125.

Sincerely,

R. Keith Christopher
Director
Office Enforcement and Investigation

cc: P. Brush, EH-1
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S. Adamovitz, EH-10
G. Podonsky, EH-2
O. Pearson, EH-3
J. Fitzgerald, EH-5
R. Schwartz, ER-8
R. Nolan, DOE-OAK
R. Kopenhaver, DOE-OAK
M. Cornell, DOE-OAK
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