

June 7, 2000

Paul Bertsch, PhD
[]
Savannah River Ecology Laboratory
Drawer E
Aiken, SC 29802

Subject: Enforcement Letter (NTS-SR--SREL-2000-0001)

Dear Dr. Bertsch:

This letter refers to the Department of Energy's (DOE) evaluation of radioactive material control deficiencies occurring at the Savannah River Ecology Laboratory (SREL) in September 1999. During the underlying event, SREL investigators transported radioactive environmental samples from the Ukraine to SREL and University of Georgia facilities without appropriate labeling, monitoring, and controls. These deficiencies were identified in September 1999; however, they were not formally reported to DOE via the Noncompliance Tracking System (NTS) until March 14, 2000. The Office of Enforcement and Investigation (EH-Enforcement) staff discussed the details of the report with you and your staff at the Savannah River Site on April 27, 2000.

EH-Enforcement's review of the events described in the NTS report indicated that several violations of 10 CFR 835 (Occupational Radiation Protection) likely occurred. In addition, I am concerned about your lack of timeliness in formally reporting the deficiencies to DOE. I understand delays were due to confusion regarding 10 CFR 835 applicability and whether NTS reporting was required. In 1995, DOE issued extensive guidance regarding rule applicability and the policies with respect to self-identification and reporting of potential violations of nuclear safety requirements. Additionally, the DOE Office of General Counsel issued Ruling 95-1 further amplifying the regulatory obligations of entities performing nuclear work under the auspices of DOE. To forestall similar situations in the future, you should remain cognizant that DOE's nuclear safety rules issued pursuant to the Price-Anderson Amendments Act of 1988 clearly apply to SREL nuclear activities being conducted under the auspices of DOE, since SREL is an indemnified entity under Section 170 of the Atomic Energy Act.

Our review also identified, however, that corrective actions already undertaken or planned by SREL were generally comprehensive and commensurate with the limited radiological hazards. Had these violations been evaluated in a timely manner and properly considered for reporting in accordance with the existing guidance, the need for this Enforcement Letter would have been eliminated.

EH-Enforcement will continue to monitor implementation of corrective actions and closure of the subject NTS report.

No response to this letter is required. Please contact Tony Weadock at (301) 903-0100 if you have any questions.

Sincerely,



R. Keith Christopher
Director
Office of Enforcement and Investigation

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