

NUCLEAR REGULATORY COMMISSION

Development of Implementing Procedures for the Final Policy Statement on the Adequacy and Compatibility of Agreement State Radiation Control Programs: Joint NRC-Agreement State Working Group Report

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the availability of the Report of Joint NRC-Agreement State Working Group on Adequacy and Compatibility Implementing Procedures.

SUMMARY: The Nuclear Regulatory Commission (NRC) is announcing the completion and availability of the Report of the Joint NRC-Agreement State Working Group for Development of Implementing Procedures for the Final Policy Statement on the Adequacy and Compatibility of Agreement State Programs.

ADDRESSES: Copies of the report may be obtained by calling Kathaleen Kerr at (301) 415-3340 or by writing to U.S. Nuclear Regulatory Commission, Document Control Desk, P1-37, Washington, D.C. 20555, Attn: Kathaleen Kerr, Office of State Programs. These documents are available for inspection in the NRC Public Document Room, 2120 L Street, N.W., Washington, D. C., (Lower Level), between the hours of 7:45 a.m. and 4:15 p.m.

FOR FURTHER INFORMATION CONTACT: Ms. Cardelia H. Maupin, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: 301-415-2312.

SUPPLEMENTARY INFORMATION: On December 1, 1995 (60 FR 61716), the Commission published in the Federal Register the formation of a working group consisting of representatives from Agreement States and from the Nuclear Regulatory Commission to respond to Commission direction in Staff Requirements Memorandum dated June 29, 1995, which instructed staff to develop implementing procedures for the Final Policy Statement Policy Statement on Adequacy and Compatibility of Agreement State Programs. The purpose of this notice is to inform the public that the Report of the Joint NRC-Agreement State Working Group for Development of Implementing Procedures for the Final Policy Statement on the Adequacy and Compatibility of Agreement State Programs was completed and filed in letter dated August 21, 1996 to Richard

L. Bangart, Director, Office of State Programs. This report is being made available to interested members of the public.

Dated at Rockville, Maryland this 12th day of September, 1996.

For the Nuclear Regulatory Commission,
Richard L. Bangart,
Director, Office of State Programs.
[FR Doc. 96-24018 Filed 9-18-96; 8:45 am]
BILLING CODE 7590-01-P

[Docket No. 030-32908; License No. 29-28784-01; EA 96-152]

Shashi K. Agarwal, M.D., Orange, New Jersey; Order Suspending License (Effective Immediately) and Demand for Information

I

Shashi K. Agarwal, M.D., (Licensee) is the holder of Byproduct Nuclear Material License No. 29-28784-01 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 30. License No. 29-28784-01 authorizes possession and use of any byproduct material identified in 10 CFR 35.200 for any imaging and localization procedure approved in 10 CFR 35.200. The license was issued on November 27, 1992 and is due to expire on December 31, 1997.

II

On April 18, and April 30, 1996, the NRC conducted an inspection at the Licensee's facility in Orange, New Jersey. During the inspection, numerous apparent violations of NRC requirements were identified. One of the violations involved the continued use of radioactive material by a contractor of Dr. Agarwal despite the fact that the only authorized user listed on the license (who was also the Radiation Safety Officer (RSO)) had left the employ of the company on April 3, 1996, and has not been replaced. Specifically, in a letter dated April 3, 1996, to Dr. Agarwal, the only authorized user/RSO listed on the license resigned and informed Dr. Agarwal that if Dr. Agarwal wished to remain active with the license, he would have to replace the RSO. The authorized user/RSO was not replaced. This violation of the license was willful in that, at a minimum, it demonstrated careless disregard for NRC requirements.

Furthermore, the authorized user/RSO listed on Dr. Agarwal's license made an inaccurate statement to NRC during a telephone inquiry conducted on May 20, 1993, when he stated that the licensee had not acquired any licensed

material. This statement was inaccurate in that the inspector later determined that the licensee received 33 doses of technetium-99m labeled radiopharmaceuticals in April 1993. This inaccurate statement was material in that this information was relied on by the NRC in reaching its decision to postpone its initial on-site inspection of Dr. Agarwal's facility until October 1993. In a letter to Dr. Agarwal dated June 22, 1993, the NRC reported the results of the May 20, 1993 telephone inquiry. The letter states that the inspector contacted the authorized user/RSO on May 20, 1993, and the letter further states: "From this discussion, we understand that you have never possessed material authorized by this license, but you plan to acquire such material in the near future." The letter also states: "If our understanding is incorrect, please inform us in writing." There is no record of the licensee correcting this inaccuracy.

In addition, the inspection revealed numerous violations of NRC requirements, several of which were repetitive of violations identified during the previous NRC inspection conducted at the facility in October 1993, for which a Notice of Violation was issued to the licensee on November 17, 1993 (Inspection Report No. 030-32908/93-002). The repetitive violations included: the RSO's failure to review and sign records of dose calibrator linearity and accuracy tests; sealed source leak tests of dose calibrator sources were not performed every six months; dose calibrator linearity test was not performed quarterly; and survey meter calibrations were performed without dedicated check source measurements. These violations are listed in the Appendix to this Order.

Furthermore, on numerous occasions, Dr. Agarwal resisted attempts by inspectors and NRC management to advise him of the findings of the inspection, as described below:

- On April 19, 1996, and at least daily during the week beginning April 22, 1996, the NRC inspector and his supervisor attempted to contact Dr. Agarwal, and were told by Dr. Agarwal's staff that Dr. Agarwal was unavailable at that time but would return the telephone call as soon as he was available. Dr. Agarwal did not return the telephone calls from the NRC officials.

- On April 30, 1996, the NRC inspector spoke briefly with Dr. Agarwal at the licensee's facility and informed Dr. Agarwal that he, the inspector, was onsite to complete the inspection begun on April 18, 1996. Dr. Agarwal immediately left the facility without affording the inspector any opportunity