

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED: Lovelace Respiratory Research Institute 2425 Ridgecrest Drive, SE Albuquerque, New Mexico 87108 Location: Area Y- Kirtland AFB East REPORT NO: 2009-001		2. NRC/REGIONAL OFFICE U.S. Nuclear Regulatory Commission Region IV, 612 East Lamar Blvd, Suite 400 Arlington, Texas 76011-4125	
3. DOCKET NUMBER 030-37312	4. LICENSE NUMBER 30-29237-01	5. DATES OF INSPECTION <i>29 pm</i> March 12 through April 30 , 2009	

LICENSEE:
The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Nuclear Regulatory Commission (NRC) rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector. The inspection findings are as follows:

- 1. Based on the inspection findings, no violations were identified.
- 2. Previous violation(s) closed.
- 3. The violation(s), specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is being taken, and the remaining criteria in the NRC Enforcement Policy to exercise discretion, were satisfied.
- Non-Cited Violation(s) was/were discussed involving the following requirement(s) and Corrective Action(s):
- 4. During this inspection certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11.

10 CFR 30.32(i)(1) requires each applicant to possess radioactive materials in unsealed form excess of the quantities listed in 30.72 "Schedule C -Quantities of Radioactive Materials Requiring Consideration of the Need for an Emergency Plan for Responding to a Release," must contain either an evaluation showing that the maximum dose to a person off-site, due to a release of radioactive material, will not exceed 1 rem Effective Dose Equivalent (EDE) or 5 rem to the thyroid; or an Emergency Plan for responding to a release of radioactive material.

Contrary to the above, on licensee's application dated August 17, 2007, Lovelace Respiratory Research Institute failed to perform an evaluation showing that the maximum dose to a person off-site would not exceed 1 rem EDE or 5 rem to the thyroid or; develop an Emergency Plan for responding to a release of radioactive material.

Lovelace Research Institute management committed to either perform an evaluation for the maximum dose to a person off-site or develop an Emergency Plan for responding to a release of radioactive material within thirty (30) days of the inspection date.

Licensee's Statement of Corrective Actions for Item 4, above.

I hereby state that, within 30 days, the actions described by me to the inspector will be taken to correct the violations identified. This statement of corrective actions is made in accordance with the requirements of 10 CFR 2.201 (corrective steps already taken, corrective steps which will be taken, date when full compliance will be achieved). I understand that no further written response to NRC will be required, unless specifically requested.

Title	Printed Name	Signature	Date
LICENSEE'S REPRESENTATIVE	Elaine Marshall	<i>E. Marshall</i>	4/29/09
NRC INSPECTOR	R. Rick Muñoz	<i>R. R. Muñoz</i>	04/30/2009 <i>29 pm</i>