



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PENNSYLVANIA 19406-2713

August 13, 2012

Docket No. 03001321

License No. 08-03075-07

Wayne Frederick, M.D.
Senior VP for Health Sciences
Howard University Hospital
2041 Georgia Avenue, N.W.
Washington, DC 20060

SUBJECT: NRC INSPECTION REPORT NO. 03001321/2012001, HOWARD UNIVERSITY HOSPITAL, WASHINGTON, D.C. SITE, AND NOTICE OF VIOLATION

Dear Dr. Frederick:

On April 10 and 11, 2012, Maryann Abogunde and Joseph Nick of this office conducted a safety inspection at the above address, and at radioactive waste storage locations at Annex I on 501 Bryant Street, N.W. and Annex II staging area on the north side of W Street, N.W., between 4th and 6th Streets, Washington, D.C., of activities authorized by the above listed NRC license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspectors, interviews with personnel, and a selective examination of representative records. Additional information provided in correspondence dated May 1, June 11 and 13, July 20, and August 9, 2012, was also examined as part of the inspection. The findings of the inspection were discussed with Alice A. Mahan, Departmental Executive Officer; Dr. Satya R. Bose, Director of Radiation Safety, Radiation Safety Officer, and Clinical Chief Physicist; and Tyrone Barksdale, Special Projects Analyst, at the conclusion of the inspection on July 26, 2012.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that two Severity Level IV violations of NRC requirements occurred. The violations involved: (1) the failure to provide the required training to all of your Hazmat Employees, as required by Subpart H to 49 CFR Part 172; and (2) the failure to apply for and receive an amendment before using a 100 mCi Cs-137 sealed source that was authorized only for temporary storage in a J.L. Shepherd & Associates Model 28-5 calibrator.

The violations are cited in the enclosed Notice of Violation (Notice) because the violations were identified by the NRC.

During our inspection exit meeting on July 26, 2012, your staff indicated that you have completed corrective actions for the concerns identified during the inspection. Further, your staff stated verbally and documented in the August 9, 2012, correspondence, that you have taken the following corrective and preventative actions:

- 1) Completed the required DOT training on April 13, 2012, for the two safety technicians involved with shipment of packages, and provided copies of their training certificates; and
- 2) Stopped use of the calibrator containing the Cs-137 source and now send survey

instruments to the manufacturer, Ludlum Measurements, Incorporated, for calibration. In addition, plans are underway for decommissioning of the unit and disposal of the Cs-137 source either by registering the source with the Off-Site Source Recovery Project (OSRP) at Los Alamos National Laboratory or through an outside vendor, after which an amendment to remove this material authorization from their license will be submitted.

NRC has concluded that information regarding the reason for the violations in the enclosed Notice, the corrective actions taken and planned to correct the violations and prevent recurrence and the date when full compliance was achieved is already adequately addressed on the docket in this letter. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

Please note that the office of the Region I Division of Nuclear Materials Safety has moved effective May 9, 2012. Our new address is:

U.S. Nuclear Regulatory Commission
Region I
2100 Renaissance Blvd, Suite 100
King of Prussia, PA 19406-2713

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

W. Frederick

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Please contact Maryann Abogunde at (610) 337-5090 if you have any questions regarding this matter.

Sincerely,

Original signed by James P. Dwyer

James P. Dwyer, Chief
Medical Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
Satya R. Bose, Ph.D., Radiation Safety Officer
District of Columbia

W. Frederick

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Please contact Maryann Abogunde at (610) 337-5090 if you have any questions regarding this matter.

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Notice of Violation

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Satya R. Bose, Ph.D., Radiation Safety Officer
District of Columbia

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