

## NOTICE OF VIOLATION

Howard University Hospital  
Washington, DC

Docket No. 03001321  
License No. 08-03075-07

During an NRC inspection conducted on April 10 and 11, 2012, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 71.5(a) requires, in part, that a licensee who delivers licensed material to a carrier for transport shall comply with the applicable requirements of the Department of Transportation (DOT) regulations in 49 CFR. 49 CFR 172.702 requires, in part, that a Hazmat Employer shall ensure that each of its Hazmat Employees is trained and tested in accordance with Subpart H of 49 CFR Part 172. Also, 49 CFR 172.704(c) requires, in part, that a Hazmat employee must receive training at least once every three years, and that a new Hazmat employee or an employee that changes job functions may perform those functions prior to completion of training provided the employee performs those functions under direct supervision and the training is completed within 90 days after employment or change in job function.

Contrary to the above, HUH did not provide the required training to all of their Hazmat Employees as required by Subpart H to 49 CFR Part 172 in a timely manner. Specifically, one radiation safety technician involved with shipment of licensed material packages received training last on September 2, 2004, and the other technician involved with the shipment of licensed material packages had not received any training since commencement of work in October 2010.

This is a Severity Level IV violation (Enforcement Policy Section 6.3.d).

- B. 10 CFR 35.13(a) requires, in part, that a licensee shall apply for and must receive a license amendment before it uses byproduct material for a type of use that is permitted under this part, but is not authorized on the licensee's current license issued under this part.

Condition 18L of License 08-03075-07, Amendment No. 54 (ML103230485), authorized temporary storage of a 100 millicurie (mCi) Cesium-137 sealed source (J.L. Shepherd & Associates Model 6810) in a J.L. Shepherd & Associates Model 28-5 calibrator in the radioactive storage room inside the HDR room at HUH.

Contrary to the above, between November 19, 2010 and December 2011, HUH did not apply for and receive an amendment before they began using a 100 mCi Cs-137 sealed source that was authorized for temporary storage in a J.L. Shepherd & Associates Model 28-5 calibrator. Specifically, after HUH received authorization for temporary storage of the Cs-137 source in the calibrator on November 19, 2010, the source was used to calibrate survey instruments in the HDR room until February 2012, when the instruments were sent to the manufacturers for calibration.

This is a Severity Level IV violation (Enforcement Policy Section 6.3.d).

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance will be achieved is already adequately addressed on the docket. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated This 13<sup>th</sup> day of August 2012