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Oklahoma City, OK 73107
2 August 1989

Kenneth Carr, Chairman, and
James Curtiss, Commissioner
Thomas Roberts, Commissioner
Kenneth Rogers, Commissioner
US Nuclear Regulatory Commission
1 Whiteflint North
11555 Rockville Pike
Rockville, Md 20852

1. Enclosed (1) is copy of my 13 May 1989 request for NRC remediation of NRC hospital surveillance failures to NRC Region 4 Administrator Robert Martin. Mr. Martin has not responded.
2. Enclosed (2) is copy of my 23 June 89 Congressional inquiry.
3. NRC notice of violation docket #30-02902 falsely alleged:

A. "a contract housekeeper performed duties ...without being properly instructed..". As a board-certified Nuclear Physician and chief of service, I had properly instructed her. I told the hospital administration, and the NRC that I had. Additionally, a co-worker provided signed, sworn testimony that she heard me instruct the sweeper. Her statement was provided to the NRC. NRC issued an untruthful, inaccurate survey report.

B. "Item 10.h of MEDDAC(MR) regulation 40-132 requires that individuals shall wear personnel monitoring devices ...entering..the "hot lab" area". There is NO "item 10.h" in MR 40-132 dated 10 Dec 87 which superceded MR 40-132 dated 10 Oct 84. The effective MR 40-132 does not require badging of a sweeper-housekeeper, clearly acknowledging nonutility of such proposal.

MR 40-132 7(c) stipulates that occasional workers (like the sweeper) shall be badged if deemed appropriate by the RPO. No RPO badging SOP was "deemed" and written. Workers are not required to read the mind of a defective RPO. That's why 10 CFR 35.21 requires that RPO SOPs be written. NRC erred in citing non-badging the sweeper as my deficiency. NRC issued an untruthful, inaccurate survey report.

No RPO Standard Operating Procedures (SOPs) had been written in contravention to 10 CFR35.21 b (2). I reported this to the RPO, the hospital administration, and to NRC surveyor Wilbourne in Dec 1987 and several times since. NRC did nothing to remediate this very high level NRC deficiency.

4. NRC cited a third violation, docket #30-02902, saying that "an individual worked with radioactive material...without being given the radiation safety training." This is false. I gave the training, wrote training SOPs and training plan, told the

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hospital administration and NRC surveyor Wilbourne I had written the plan and SOPs, and showed them these writings. NRC knew there was no RPO SOP contradicting the Nuclear Medicine SOP. NRC knew there were no RPO SOPs. NRC issued an untruthful, inaccurate survey report.

5. I requested the administration many times to remove a hazardous technician Sgt. Stephanie Delpit whose repetitious radiation safety errors were probably due to her Dilantin overmedication-induced obtunded state. Administration deliberately refused to transfer her. Administrators Verdon/Linares chose instead to accuse me of radiation unsafety for her errors, and then to accuse me of subordinate abuse because of my efforts to protect my clinic and patients from her hazardous performance. NRC's Region 4 surveyor Wilbourne knew about Delpit from his December 87 survey visit, just as he knew the lack of RPO SOPs.

To summarize, NRC Region 4 erred by;

1. citing 3 false deficiencies against me,
2. perpetuating hospital patient hazards by the enforced retention of a drug-stupified nuclear technician, and
3. by condoning the unlawful absence of written RPO SOPs for worker guidance.

6. The hospital administrator Dr. Verdon cited your 3 NRC deficiencies to deny my renewal of Army contract as a Nuclear Physician. NRC's defamations deprived me of my prospective advantages as an army officer.

7. I request the following NRC corrective actions:

a. immediate response to my 13 May 89 letter to NRC's Region 4 Robert Martin, citing NRC's dereliction of duty regarding enforced retention of a hazardous nuclear technician, and the hospital's lack of federally mandated RPO SOPs;

b. acknowledgment of NRC error in the 3 cited deficiencies;

c. reissuance with copy to me of NRC Reynolds Army Hospital survey reports cited above, to delete erroneous citations of deficiency and to include deficiency citations for army hospital noncompliance with-

1. 10 CFR 35.21 b(2)(x), RPO will collect in one binder/file and implement SOPs for training personnel..

2. 18 CFR/Joint Commission on Hospital Accreditation standards NM.1.3.3 (Nuclear Chief approves personnel..; Verdon withheld approving authority from me), NM 2 (the Nuclear Chief must have RPO safety SOPs; Verdon prohibited written RPO SOPs), KEY FACTORS NM 2.2.15 and 16 (guidelines (RPO SOPs) for radiation safety; Verdon prohibited RPO SOPs), KEY FACTORS NM 4.3.1 AND 2 (action, and review of action, is taken to solve patient care problems; Verdon/Bogart took no action on my pleas for RPO SOPs and Delpit's removal). KEY FACTORS NM 4.4- (findings are reported; Verdon/Bogart/Linares deliberate censored my protests re:RPO SOPs and RPO/Delpit unsafety from RCC minutes, and withheld my report from NRC),and KEY FACTORS 10.6.1.0-10.6.1.6 (re: hospital

- quality assurance and patient protection; the hospital administration deliberately endangered patients in order to accuse me for Delpit/RPO unsafety).
3. 10 CFR 21.1-6 (re: reports to NRC re: defects and noncompliance with Atomic Reorganization Act; army hospital administrators Verdon/Bogart/Linares refused to relay my reports to NRC).
 4. 10 CFR 21.21 (any responsible officer failing to provide notice is subject to civil penalty; administrators Verdon/Bogart/Linares refused to provide me with notice of RPO radiation safety guidelines/SOPs and to relay my protests to NRC).
 5. IG 160 App D-1, RPO will maintain a centralized system of records...; no RPO SOPs were on record.
 6. AR 40-37 App. A-4 a (8). The Chief of Nuclear Medicine will ensure appropriate technician training in...local SOPs. (Nuclear Medicine SOPs provided for this training. I abided by them. No RPO SOPs existed, and hospital administration unlawfully refused to generate them).
 7. AR 40-37 App. A-4 b. The Nuclear Chief (not the RPO) will train technicians and record such training.
 8. AR 40-37 App. A-4 b (NOTE). The Nuclear Chief will ensure that no one that exhibits (psychiatric) behavior characteristics or is on a prescribed medication will...work with radioactive material...; Army hospital administrators contravened this army regulation by preventing me from removing a drug-obtunded technician.
 9. AR 40-14 3 (ab) (RPO complies with directives for radiation protection; the RPO failed to write and compile RPO SOPs for worker guidance); --5 (e) 3 (ensure an adequately trained ARPO/RPO; ARPO/RPO Boatright was suspended months AFTER her damage to my clinic, for lack of training);--e(4) (RCC responsible for RPO)
 10. NRC hospital license stipulation that initial training is given in accordance with Nuclear Medicine SOPs (Encl. 3). I complied, Administration did not.
 - 11 local hospital regs/SOPs; 1981 Infection Control SOE mandating housekeeper sweeping of "hot lab" (Encl. 4), which is renewed annually (Encl.4 and 5). I complied, Administration did not.

B. NRC's careless surveillance, untruthfulness, and inaccuracy have defamed me, eroded integrity of military physicianry, and endangered health and safety of the military fighting force. I request immediate, appropriate redress according to paragraph 7.

Your assistance is appreciated.

Frances S. Norris MD

CF: US Senator David Boren