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Docket No. 030-29462  
License No. 45-23645-01NA

Department of the Navy  
Chief of Naval Operations (N-45)  
Navy Radiation Safety Committee  
ATTN: RADM J. S. Walker, USN  
Chairman  
Washington, D.C. 20350-2000

Gentlemen:

SUBJECT: NOTICE OF VIOLATION  
(NRC INSPECTION REPORT NO. 45-23645-01NA/93-24)

This refers to the special inspection conducted by Mr. Jerry Ennis on October 28-29 and December 3, 1993, in response to a contamination event at the Naval Medical Research Institute's (NMRI) Annex, Rockville, Maryland. At the conclusion of the inspection, the findings were discussed with CAPT R. G. Walter, Commanding Officer, NMRI, and CAPT J. Malinoski, Executive Secretary, Navy Radiation Safety Committee, (NRSC).

The inspection was an examination of the circumstances which lead to the contamination event, the licensee's actions to decontaminate affected portions of the facility, and the licensee's actions taken to preclude a recurrence. It included selective examinations of procedures and records, interviews with personnel, and direct observations by the inspector. The findings are detailed in the enclosed NRC Inspection Report.

Based on the results of this inspection, certain of the Navy's activities appeared to be in violation of NRC requirements, as specified in the enclosed Notice of Violation (Notice). This violation resulted from the intentional use of licensed material by an individual after he had been advised by laboratory supervision that he was not authorized to perform research with licensed materials because he had not completed the required NMRI training. This violation is of significant regulatory concern to the NRC because the safe conduct of licensed activities depends on your effective control of these activities and on the integrity, as well as the ability, of the involved individuals. The NRC considered escalated enforcement action for this violation. However, the violation has been categorized as Severity Level IV because the criteria for NRC enforcement discretion contained in "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Par 2, Appendix C, Section VII.B(2) were met. Specifically, the violation was identified by the licensee and promptly reported to the NRC, the willful violation was limited to the actions of an individual researcher who was not a licensee official and appeared to be the isolated action of the researcher, and significant remedial action was taken such that it demonstrated the

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seriousness of the violation to other employees. We also note that the licensee's inspection of the event identified certain violations of the facility's Navy Radioactive Materials Permit for which the NRC will take no separate enforcement action. These licensee-identified permit violations and corrective actions are documented in the enclosed report.

Inasmuch as your corrective actions have already been provided to us and the information furnished meets the requirements of 10 CFR 2.201, no response to the Notice is required. We will review the results of your corrective actions during future inspections to determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and any reply will be placed in the NRC Public Document Room.

Should you have any questions concerning this letter, please contact us.

Sincerely,  
ORIGINAL SIGNED BY  
J. PHILIP STOHR

J. Philip Stohr, Director  
Division of Radiation Safety  
and Safeguards

Enclosures:

- 1. Notice of Violation
- 2. NRC Inspection Report  
No. 45-23645-01NA/93-24

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