



DEPARTMENT OF THE ARMY

U.S. ARMY IONIZING RADIATION DOSIMETRY CENTER

LEXINGTON--BLUE GRASS ARMY DEPOT

LEXINGTON, KY 40511-5102

October 4, 1990

SUBJECT: Reply to a Notice of Violation

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, D.C. 20555

Dear Sirs:

Reference is made to:

a. My letter to you dated 1 June 1989 concerning the loss of two ampoules of Nickel-63.

b. Letter dated Sep 14, 1990, from U.S. Nuclear Regulatory Commission, Region II, Subject: Notice of Violation (NRC Inspection Report No. 16-05033-01/90-01), copy enclosed.

The following statements are submitted in reply to the notice of violation given in reference b.

a. On May 4, 1989, a telephonic report was filed with Mr. Earl Wright, USNRC Region II, concerning the loss of licensed radioactive material. In accordance with the requirements of Title 10, Code of Federal Regulations, part 20.402(b), a written report was submitted to the NRC (reference a). This report described circumstances under which the loss of radioactive material occurred, actions taken to recover the material and procedures which were adopted to prevent a recurrence of loss.

b. The measures described in reference a are in place; however, no additional procurement of licensed radioactive material has been made.

c. An additional precautionary step is being taken which requires that purchase orders for licensed radioactive material will indicate that the items are to be addressed for delivery by the carrier directly to the U.S. Army Ionizing Radiation Dosimetry Center, Bldg 139, Attention: Radiation Protection Officer. Elimination of the past practice of having the radioactive material addressed to the Lexington-Blue Grass Army Depot Receiving Dock warehouse for subsequent distribution to the Dosimetry Center will preclude a repeat of the events which led to the loss of radioactive material.

d. The precautionary step taken in c above is being implemented effective immediately.


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Please contact me at telephone (606) 293-3249 if you require any additional information on this matter.

Sincerely,



A. Edward Abney
Chief, U.S. Army Ionizing
Radiation Dosimetry Center

Enclosure

Copies furnished:

U.S. Nuclear Regulatory Commission
Region II
101 Marietta Street, N.W.
Atlanta, Georgia 30323

Headquarters
U.S. Army Materiel Command
Attn: AMCSF-P (Ms. Elker)
5001 Eisenhower Ave
Alexandria, VA 22333-0001

Commander
U.S. Army TMDE Support Group
Attn: AMXTM-SR (Mr. Kuykendall)
Redstone Arsenal, AL 35898-5400

Cabinet for Human Resources
Department for Health Services
Division of Community Safety (Attn: Vicki Jeffs)
275 East Main Street
Frankfort, KY 40621



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W.
ATLANTA, GEORGIA 30323

SEP 14 1990

Docket No.: 030-04467
License No.: 16-05033-01

Department of the Army
U.S. Army Ionizing Radiation
Dosimetry Center
ATTN: AMXTM-CE-DC
Lexington, Kentucky 40511-5102

Gentlemen:

SUBJECT: NOTICE OF VIOLATION
(NRC INSPECTION REPORT NO. 16-05033-01/90-01)

This refers to the inspection conducted by Mr. H. Bermudez of this office on August 27, 1990. The inspection included a review of activities authorized for your Radiation Dosimetry Center. At the conclusion of the inspection, the findings were discussed with Mr. E. Abney, Chief.

The inspection was an examination of activities conducted under your license with respect to radiation safety and compliance with NRC regulations and the conditions of your license. It included selective examinations of procedures and representative records, interviews with personnel, and direct observations by the inspector.

Based on the results of this inspection, certain of your activities appeared to be in violation of NRC requirements, as specified in the enclosed Notice of Violation (Notice).

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will 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 and its enclosure will be placed in the NRC Public Document Room.

The responses directed by this letter and the enclosed Notice is not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96.511.

RECEIVED
20 SEP 1990

Enclosure

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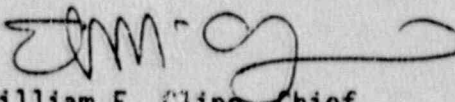
SEP 14 1990

Department of the Army

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

Sincerely,

for 

William E. Cline, Chief
Nuclear Materials Safety and
Safeguards Branch
Division of Radiation Safety
and Safeguards

Enclosure:
Notice of Violation

cc w/encl:
Commonwealth of Kentucky

SEP 14 1990

ENCLOSURE

NOTICE OF VIOLATION

U.S. Army Ionizing Radiation
Dosimetry Center
Lexington, Kentucky

Docket No. 030-04467
License No. 16-05033-01

During an NRC inspection conducted on August 27, 1990, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1990), the violation is listed below:

10 CFR 20.207(a) requires that licensed materials stored in an unrestricted area be secured against unauthorized removal from the place of storage. 10 CFR 20.207(b) requires that materials not in storage be under constant surveillance and immediate control of the licensee. As defined in 10 CFR 20.3(a)(17), an unrestricted area is any area access to which is not controlled by the licensee for purposes of protection of individuals from exposure to radiation and radioactive materials.

Contrary to the above, on February 16, 1989, licensed material consisting of 216 microcuries of nickel-63 located in an unrestricted area consisting of Blue Grass Army Depot Receiving Dock Warehouse was not secured against unauthorized removal and was not under constant surveillance and immediate control of the licensee. Consequently, the material was lost.

This is a Severity Level IV violation (Supplement IV).

Pursuant to the provisions of 10 CFR 2.201, U.S. Army Ionizing Radiation Dosimetry Center is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region II within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order may be issued to

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SEP 14 1990

Notice of Violation

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show cause why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

FOR THE NUCLEAR REGULATORY COMMISSION


William E. Cline, Chief
Nuclear Materials Safety and
Safeguards Branch
Division of Radiation Safety
and Safeguards

Dated at Atlanta, Georgia
this day of September 1990