



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

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ARLINGTON, TEXAS 76011-8064

FEB 11 1994

Docket No. 030-28641
License No. 42-23539-01AF
EA 93-313

Department of the Air Force
USAF Radioisotope Committee
8901 18th Street
Brooks Air Force Base, Texas 78235-5217

SUBJECT: NOTICE OF VIOLATION (NRC INSPECTION REPORT 030-28641/93-10)

This is in reference to the inspection conducted December 21, 1993, at the Armstrong Laboratory, Brooks Air Force Base, San Antonio, Texas. This inspection was conducted to review the circumstances surrounding the Air Force's determination and notification to the NRC on September 22, 1993, that four strontium-90 reference sources could not be accounted for and were presumably lost. A report documenting the results of the NRC's inspection was issued on January 19, 1994. On February 3, 1994, Air Force representatives attended an enforcement conference in the NRC's Arlington, Texas office to discuss NRC's preliminary conclusion that potentially significant violations of NRC requirements had occurred. A list of enforcement conference attendees is enclosed (Enclosure 2).

Based on the NRC's review of information developed during the inspection, information developed by the Air Force Inspector General's office, and the information exchanged during the enforcement conference, the NRC has concluded that the Air Force violated 10 CFR 20.207(a) by failing to assure that licensed radioactive material was protected against unauthorized removal from its storage location. The four reference sources, each containing about 400 microcuries of Sr-90, were removed from service and placed in storage in mid-1990. Although computer records indicated that they had been disposed of, an audit conducted by base command in 1993 found that there was no documentation to support either the proper disposal or transfer of these sources; thus, they were declared missing.

This violation appears to have resulted from a combination of events that led to less than adequate management attention to radiation safety programs at Brooks Air Force Base and to a poor system for inventorying radioactive materials. As the Air Force Inspector General's report indicated, the combination of insufficient management and inadequately trained radiation safety officers had "... resulted in new radiation safety programs being established without proper procedures being institutionalized to ensure adherence to all requirements necessary for accountability of assigned licensed materials."

NRC recognizes that the Air Force has taken prompt corrective action to improve the methods of controlling and accounting for radioactive material at Brooks Air Force Base, to train all personnel at Brooks who may encounter

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radioactive sources in their work, and to assure that future Air Force inspections of radioactive materials permittees focus on management and radiation safety officer issues as well as on the programs for accounting for all material. In addition, we recognize that the Air Force Radioisotope Committee has reviewed material control incident reports to determine whether any trends can be identified and that you are taking steps to assure that Air Force permittees are in a position to adequately manage their radiation safety programs, e.g., to assure that permit holders have the capability to commit resources to the radiation safety program.

The NRC places a great deal of importance on the control of licensed material and views seriously all incidents resulting in the loss or improper disposal of material. In this case, the NRC's regulatory concern is heightened by the programmatic weaknesses at Brooks Air Force base that contributed to the occurrence of the loss of material. Therefore, the violation of 10 CFR 20.207(a) in the enclosed Notice of Violation has been classified at Severity Level III in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) 10 CFR Part 2, Appendix C, Supplement IV.

In accordance with the Enforcement Policy, a civil penalty is considered for a Severity Level III violation. However, I have been authorized not to propose a civil penalty in this case based on the application of the civil penalty adjustment factors discussed in Section VI.B.2 of the Enforcement Policy. This decision was based on the Air Force's discovery of this violation during the conduct of a thorough audit of the radiation safety programs at Brooks Air Force Base, the promptness and comprehensiveness of the corrective actions described above, and the Air Force's history of good performance as a licensee of the NRC.

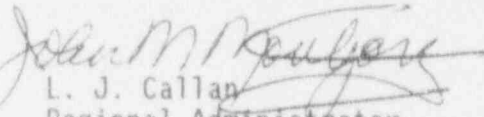
Please note that the enclosed Notice of Violation contains a second violation which was identified in the inspection report and which has been classified at Severity Level IV. This violation involves the failure of the Air Force to include in the permit issued to the Armstrong Laboratory at Brooks a specific requirement to conduct physical inventories of radioactive sources as is required by an NRC standard license condition. Although this does not appear to have directly resulted in the loss of the Sr-90 reference sources, the NRC nonetheless considers it an important related requirement.

The Department of the Air Force is required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing its response. In its response, the Air Force should document the specific actions taken and any additional actions it plans to prevent recurrence. After reviewing your response to this Notice, including its 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 are 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.

Sincerely,

for 
L. J. Callan
Regional Administrator

Enclosures:

1. Notice of Violation
2. Enforcement conference attendees

cc w/Enclosure:

Texas Radiation Control Program Director

bcc w/encl:

HQ DISTRIBUTION:

PDR
 SECY
 CA
 JTaylor, EDO
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|-----------------------|-----------------------|---------------------------|---------------------------|------------------------|
| EO <i>[Signature]</i> | RC <i>[Signature]</i> | C:NMIS <i>[Signature]</i> | D:DRSS <i>[Signature]</i> | DRA <i>[Signature]</i> |
| GSanborn | WBrown | CCain | DChamberlain | JMontgomery |
| 2/3/94 | 2/8/94 | 2/4/94 | 2/4/94 | 2/12/94 |
| RA <i>[Signature]</i> | | | | |
| LJCallan | | | | |
| 2/10/94 | | | | |