

NOTICE OF VIOLATION

Department of the Air Force
USAF Radioisotope Committee
Brooks Air Force Base, Texas

Docket: 030-28641
License: 42-23539-01AF
EA: 93-313

During an NRC inspection conducted on December 21, 1993, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the violations are listed below:

- A. 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 licensed materials in an unrestricted area and not in storage be tended 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, sometime after April 16, 1991, licensed material consisting of four strontium-90 sealed sources (approximately 400 microcuries each) located in unrestricted areas at Brooks Air Force Base was not secured against unauthorized removal and was not under constant surveillance and immediate control of the licensee.

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

- B. License Condition 16 states, in part, that the licensee shall adhere to statements and representations contained in the application dated April 12, 1985. Section 10.d of the application states that, when practical, the wording, style, and content of permits will approximate that of licenses issued by the NRC; however, conditions of use on permits will not be less restrictive than those required by the NRC.

Contrary to the above, as of December 21, 1993, Air Force Permit 42-30168-1AFP authorizing possession of byproduct material at Armstrong Laboratory, Brooks Air Force Base, under the auspices of NRC Master Materials License 42-23539-01AF, contained a set of conditions that was less restrictive than that required by the NRC in that the permit did not contain an NRC standard license condition requiring the conduct of physical inventories of radioactive sources at a prescribed frequency.

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

Pursuant to the provisions of 10 CFR 2.201, the Department of the Air Force 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 IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, 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 or a Demand for Information may be issued to 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. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Dated at Arlington, Texas
this 11th day of February 1994

Enclosure 2

Enforcement Conference
with the Department of the Air Force

February 3, 1994

Nuclear Regulatory Commission, Region IV
Arlington, Texas

Department of the Air Force

Maj. Gen. George K. Anderson, Commander, Human Systems Center, Brooks AFB
Eric Stephens, Director, Environmental Management, HSC/EM, Brooks AFB
Thomas D. Kay, Radiation Safety Officer, HSC/EM, Brooks AFB
Col. Jacqueline Morgan, Associate Director, HQ AFMOA/SGP
Lt. Col. Joseph Donnelly, Chief, USAF Radioisotope Committee
Lt. Col. Bill Bowen, Chief, Environmental Law Division, AFLSA/JACE

Nuclear Regulatory Commission

John M. Montgomery, Deputy Regional Administrator
Dwight D. Chamberlain, Acting Director, Div. of Radiation Safety & Safeguards
Samuel J. Collins, Director-designate, Div. of Radiation Safety & Safeguards
Charles L. Cain, Chief, Nuclear Materials Inspection Section, DRSS
Linda McLean, Radiation Specialist, NMIS, DRSS
William L. Brown, Regional Counsel
Gary F. Sanborn, Regional Enforcement Officer