

APPENDIX A
NOTICE OF VIOLATION

Department of the Army
Brooke Army Medical Center

Docket: 30-03258/90-01
License: 42-01368-01

During an NRC inspection conducted on July 17-18, 1990, 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 (1990) (Enforcement Policy), the violations are listed below:

1. 10 CFR 20.201(b) requires that each licensee make such surveys as may be necessary to comply with all sections of Part 20. As defined in 10 CFR 20.201(a), "survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions.

Contrary to the above, no surveys (evaluations) were made to assure compliance with 10 CFR 20.101(a), which limits radiation dose to individuals in restricted areas. Specifically, since 1988, an evaluation of the dose to the whole body of contract workers who worked in licensee restricted areas had not been made in that dosimeters assigned to these workers were not worn exclusively in licensee controlled areas.

This is a Severity Level IV violation (Supplement IV)

2. 10 CFR 35.205(c) requires, in part, that before receiving, using, or storing a radioactive gas, the licensee calculate the amount of time needed after a spill to reduce the concentration in the room to the occupational limit listed in Appendix B to 10 CFR Part 20.

Contrary to the above, the licensee had not calculated the amount of time needed after a spill to reduce the concentration in the room to applicable limits.

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

3. 10 CFR 71.5(a) requires, in part, that each licensee who transports licensed material outside of the confines of its plant or other place of use, or who delivers licensed material to a carrier for transport, comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 170-189.

49 CFR 173.415(a) requires, in part, that each shipper of a Specification 7A package maintain on file for at least 1 year after the latest shipment a complete documentation of tests and an engineering

evaluation or comparative data showing that the construction methods, packaging design, and materials of construction comply with that specification.

Contrary to the above, the licensee had not maintained on file the above documentation for routine shipments of spent technetium generators returned to the manufacturer in Specification 7A packages between July 1989 and July 1990.

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

Pursuant to the provisions of 10 CFR 2.201, Brooke Army Medical Center is hereby required to submit to this office, within 30 days of the date of the letter transmitting this Notice, a written statement or explanation in reply, including for each violation: (1) the reason for the violation if admitted, (2) the corrective steps which have been taken and the results achieved, (3) the corrective steps which will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Where good cause is shown, consideration will be given to extending the response time.

Dated at Arlington, Texas,
this 14th day of September 1990