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In Reply Refer To:
License: 42-01368-01
 42-01368-02
Docket: 30-03258/90-01
 30-00504/90-01

Department of the Army
Brooke Army Medical Center
ATTN: HShe-MP
Fort Sam Houston, Texas 78234

Gentlemen:

Thank you for your letter of October 12, 1990, in response to our letter dated September 14, 1990, and the Notices of Violation attached to our letter and identified as Appendices A and B. As a result of our review, we find that additional information, as discussed with Major Tucker during a telephone call on October 30, 1990, is needed. Specifically, we need more detailed information on how Violation 1 of Appendix A and the violation in Appendix B were corrected. Please provide the supplemental information within 15 days of your receipt of this letter so that we can continue our review of this matter.

Original Signed By:

A. B. BEACH

A. Bill Beach, Director
Division of Radiation Safety
and Safeguards

bcc w/copy of licensee letter:
DMB - Original (IE-07)
RDMartin
ABBeach
LAYandell
MRodriguez, OC/LFDCB (MS 4503)
CLCain
WLFisher
ADGaines
NMSIS
MIS System
RIV Files (2)
RSTS Operator

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ADGaines:ch
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CLCain
11/6/90

D:DRSS
ABBeach
11/6/90

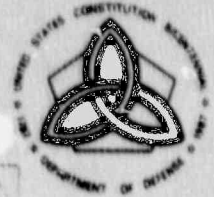
*Previously concurred

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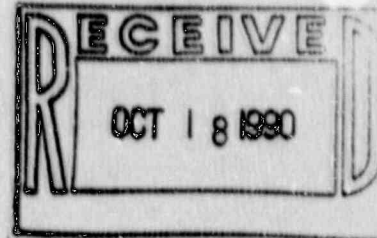


DEPARTMENT OF THE ARMY
HARCOCK ARMY MEDICAL CENTER
FORT SAM HOUSTON TEXAS 78234-6200



REPLY TO
ATTENTION OF:

October 12, 1990



Deputy Commander for Clinical Services

Mr. A. Bill Beach
Director
Division of Radiation Safety and Safeguards
U.S. Nuclear Regulatory Commission - Region IV
611 Ryan Plaza West, Suite 1000
Arlington, Texas 76011

Dear Mr. Beach:

Your letter dated September 14, 1990 (copy enclosed) indicates that certain of our activities conducted under NRC Byproduct Material License Nos. 42-01368-01 and 42-01368-02 were not conducted in full compliance with NRC requirements. Findings were based on a radiation safety inspection conducted July 17-18, 1990, by Mr. Anthony D. Gaines, a member of your staff. This correspondence contains our response.

Our response to the three findings contained in your letter in Appendix A, Notice of Violation, addressing violations of NRC Byproduct Material License No. 42-01368-01 (Docket No. 30-03258/90-01), follows:

a. Finding No. 1 indicates that we failed to evaluate the dose to the whole body of contract workers who worked in restricted areas in that dosimeters assigned to these individuals were not worn exclusively at our facility. We admit this violation. The cause of the violation was our misinterpretation of 10 CFR 20.201(b). Prior to Mr. Gaines' inspection, we had ensured that contract workers wore dosimeters supplied by their employer. However, we agree with your finding that dosimetry results did not specify exposure obtained at our facility. This violation was corrected immediately upon being brought to our attention and we are currently in full compliance. Operating procedures have been amended to preclude recurrence.

b. Finding No. 2 indicates that we failed to calculate the amount of time needed after a spill of radioactive gas to reduce the concentration in the room to the applicable occupational limit listed in Appendix B to 10 CFR 20. We admit this violation. The violation was an administrative oversight and has been corrected. We have calculated and posted spilled gas clearance times and are currently in full compliance. Operating procedures have been amended to include this requirement and preclude recurrence.

c. Finding No. 3 indicates that we, as shippers of licensed radioactive material (spent technetium generators) in U.S. Department of Transportation Specification 7A packages, failed to maintain on file the required documentation of the tests and an engineering evaluation or comparative data showing that the construction methods, packaging design, and

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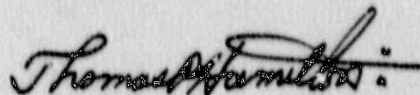
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materials of construction complied with that specification. We admit to this violation. Again due to administrative oversight, we failed to solicit the documentation from the manufacturer and maintain it on file. The required documentation is now on file and we are currently in compliance. Our shipping procedures have always required full compliance with the provisions of 49 CFR Parts 170-189. Attention to detail and increased vigilance will preclude recurrence.

Appendix B, Notice of Violation, to your letter addressed a violation of NRC Byproduct Material License No. 42-01368-02 (Docket No. 30-00504/90-01). The finding indicates that we failed to evaluate the dose to the whole body of contract workers who worked in restricted areas in that dosimeters assigned to these individuals were not worn exclusively at our facility. We admit to this violation which is identical to the first finding cited in reference to our NRC Byproduct Material License No. 42-01368-01. The cause of the violation was our misinterpretation of 10 CFR 20.201(b). Prior to Mr. Gaines' inspection, we had ensured that contract workers wore dosimeters supplied by their employer. However, we agree with your finding that dosimetry results did not specify exposure obtained at our facility. This violation was corrected immediately upon being brought to our attention and we are currently in full compliance. Operating procedures have been amended to preclude recurrence.

As in the past, we are fully committed to meeting and, wherever possible, exceeding the requirements necessary to comply with our two NRC byproduct material licenses.

Sincerely,



Thomas P. Hamilton II
Colonel, U.S. Army
Deputy Commander for
Clinical Services

Enclosure



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
811 RYAN PLAZA DRIVE, SUITE 1000
ARLINGTON, TEXAS 76011

SEP 14 1990

Reply Refer To:
Case: 42-01368-01
42-01368-02
Docket: 30-03258/90-01
30-00504/90-01

Department of the Army
Brooke Army Medical Center
ATTN: HShe-MP
Ft. Sam Houston, Texas 78234

Gentlemen:

This refers to the routine, unannounced radiation safety inspection conducted by Mr. Anthony D. Gaines of this office on July 17-18, 1990, of the activities authorized by NRC Byproduct Material License Nos. 42-01368-01 and 42-01368-02, and to the discussion of our findings held by the inspector with members of your staff at the conclusion of the inspection.

The inspection was an examination of the activities conducted under the license as they relate to radiation safety and to compliance with the Commission's rules and regulations and the conditions of the license. The inspection consisted of selective examinations of procedures and representative records, interviews of personnel, independent measurements, and observations by the inspector.

During this inspection, certain of your activities were found not to be conducted in full compliance with NRC requirements. Consequently, you are required to respond to this matter in writing, in accordance with the provisions of Section 2.201 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations. Your response should be based on the specifics contained in the Notice of Violation enclosed with this letter.

The inspector noted that contract employees performed work that was directly related to licensed brachytherapy and teletherapy operations. These contract employees were not supplied personnel dosimetry issued by the Army but instead wore contractor-supplied dosimetry. It was also noted that the Army did not receive reports from the contractor as to the contract employees' quarterly dose, and that in some cases contract employees worked at other hospitals using the same dosimetry. Therefore, the dose that was received by the contract employees at the licensee's facility was not being evaluated, as noted in the attached Notices of Violation.

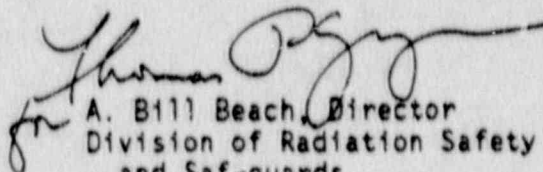
In accordance with 10 CFR 2.790 of the Commission's regulations, a copy of this letter, the enclosures, and your response to this letter will be placed in the NRC Public Document Room.

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The response directed by this letter and the accompanying Notice is not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 95-511.

Should you have any questions concerning this letter, we will be pleased to discuss them with you.

Sincerely,


for A. Bill Beach, Director
Division of Radiation Safety
and Safeguards

Enclosures:

1. Appendix A - Notice of Violation
2. Appendix B - Notice of Violation

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

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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

APPENDIX B

NOTICE OF VIOLATION

Department of the Army
Brooke Army Medical Center

Docket: 30-00504/90-01
License: 42-01368-02

During an NRC inspection conducted on July 17-18, 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) (Enforcement Policy), the violation is listed below:

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)

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

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