

NOTICE OF VIOLATION

Luther W. Brady, M.D.
Voorhees, New Jersey

Docket No. 040-08811
License No. SUB-1409

During an NRC inspection conducted on May 30, 1996, three violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG 1600, the violations are listed below:

- A. Condition 23 of License No. 20-00297-53 requires that licensed material be used only at South Jersey Medical Center, 1401 East Marlton Pike, Cherry Hill, New Jersey.

Contrary to the above, as of January 1996, the licensee did not use licensed material only at South Jersey Medical Center, 1401 East Marlton Pike, Cherry Hill, New Jersey. Specifically, the licensee's facility closed as of December 31, 1995 and the licensee moved their licensed material into storage at a private residence in Gilbertsville, Pennsylvania.

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

- B. 10 CFR 71.5(a) requires that a 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 17 through 189.

1. 49 CFR 173.421 excepts radioactive materials in certain limited quantities, defined therein, from the specification packaging, shipping paper and certification, marking, and labeling requirements of subpart H, 49 CFR Part 173 provided provided, among other things, that the outside of the inner packaging or if there is no inner packaging, the outside of the packaging itself bears the marking "Radioactive".

Contrary to the above, on December 9, 1995, the licensee transported 130 kilograms of depleted uranium, as a "excepted package-article", however, at the time of shipment, neither the outside of the inner packaging nor, the outside of the packaging itself bore the marking "Radioactive".

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

OFFICIAL RECORD COPY

**RETURN ORIGINAL TO
REGION I**

IE 07 |

9607080104 960628
PDR ADOCK 04008811
C PDR

2. 49 CFR 173.422 requires, in part, that an excepted package containing radioactive material must be certified as being acceptable for transportation by having a notice enclosed in or on the package, included with the packing list, or otherwise forwarded with the package. The notice must include the name of the consignor or consignee and the statement: "This package conforms to the conditions and limitations specified in 49 CFR 173.426 for radioactive material, excepted package-articles manufactured from natural or depleted uranium or natural thorium, UN2910".

Contrary to the above, on December 9, 1995, the licensee transported 130 kilograms of depleted uranium, as a "excepted package-article", and did not have a notice enclosed in or on the package, included with the packing list, or otherwise forwarded with the package, with the required statement concerning the consignee/consignor and the statement: "This package conforms to the conditions and limitations specified in 49 CFR 173.426 for radioactive material, excepted package-articles manufactured from natural or depleted uranium or natural thorium, UN2910".

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

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed on the docket in the letters dated June 14, 1996 and signed by Richard Tobin, your Engineering Manager (enclosed). However, you are required to respond to the provisions of 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

L. W. Brady, M.D.
Bucks Radiation Oncology Associates

-3-

Distribution:

PUBLIC w/encl

Nuclear Safety Information Center (NSIC) w/encl

Region I Docket Room (w/concurrences) w/encl

D. J. Holody, RI w/encl

DOCUMENT NAME: R:\WPS\MLDL\LSUB1409

To receive a copy of this document, indicate in the box: "C" = Copy w/o attach/encl "E" = Copy w/ attach/encl "N" = No copy

OFFICE	DNMS/RI	<input checked="" type="checkbox"/> N	DNMS/RI	<input checked="" type="checkbox"/> N			
NAME	PHenderson		JKinneman	PL Sor			
DATE	06/14/96		06/29/96		06/ /96	06/ /96	

OFFICIAL RECORD COPY

**RETURN ORIGINAL TO
REGION I**

IE 07

NOTICE OF VIOLATION

Luther W. Brady, M.D.
Voorhees, New Jersey

Docket No. 040-08811
License No. SUB-1409

During an NRC inspection conducted on May 30, 1996, three violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG 1600, the violations are listed below:

- A. Condition 23 of License No. 20-00297-53 requires that licensed material be used only at South Jersey Medical Center, 1401 East Marlton Pike, Cherry Hill, New Jersey.

Contrary to the above, as of January 1996, the licensee did not use licensed material only at South Jersey Medical Center, 1401 East Marlton Pike, Cherry Hill, New Jersey. Specifically, the licensee's facility closed as of December 31, 1995 and the licensee moved their licensed material into storage at a private residence in Gilbertsville, Pennsylvania.

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

- B. 10 CFR 71.5(a) requires that a 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 through 189.

1. 49 CFR 173.421 excepts radioactive materials in certain limited quantities, defined therein, from the specification packaging, shipping paper and certification, marking, and labeling requirements of subpart H, 49 CFR Part 173 provided provided, among other things, that the outside of the inner packaging or if there is no inner packaging, the outside of the packaging itself bears the marking "Radioactive".

Contrary to the above, on December 9, 1995, the licensee transported 130 kilograms of depleted uranium, as a "excepted package-article", however, at the time of shipment, neither the outside of the inner packaging nor, the outside of the packaging itself bore the marking "Radioactive".

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

2. 49 CFR 173.422 requires, in part, that an excepted package containing radioactive material must be certified as being acceptable for transportation by having a notice enclosed in or on the package, included with the packing list, or otherwise forwarded with the package. The notice must include the name of the consignor or consignee and the statement: "This package conforms to the conditions and limitations specified in 49 CFR 173.426 for radioactive material, excepted package-articles manufactured from natural or depleted uranium or natural thorium, UN2910".

Contrary to the above, on December 9, 1995, the licensee transported 130 kilograms of depleted uranium, as a "excepted package-article", and did not have a notice enclosed in or on the package, included with the packing list, or otherwise forwarded with the package, with the required statement concerning the consignee/consignor and the statement: "This package conforms to the conditions and limitations specified in 49 CFR 173.426 for radioactive material, excepted package-articles manufactured from natural or depleted uranium or natural thorium, UN2910".

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

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed on the docket in the letters dated June 14, 1996 and signed by Richard Tobin, your Engineering Manager (enclosed). However, you are required to respond to the provisions of 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).