

NOTICE OF VIOLATION

Department of the Army
Washington, DC

Docket No. 030-01317
License No. 08-01738-02

During an NRC inspection conducted on September 5 - 6, 1996 violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," the violations are listed below:

- A. 10 CFR 20.1801 requires that the licensee secure from unauthorized removal or access licensed materials that are stored in controlled or unrestricted areas. 10 CFR 20.1802 requires that the licensee control and maintain constant surveillance of licensed material that is in a controlled or unrestricted area and that is not in storage. As defined in 10 CFR 20.1003, unrestricted area means an area, access to which is neither limited nor controlled by the licensee.

Contrary to the above, on July 8, 1996, the licensee did not secure from unauthorized removal or limit access to 1.13 mCi of carbon-14 and 1.34 mCi of hydrogen-3 contained in vials located in a refrigerator/freezer in the hallway of Building 40 of WRAIR outside Room 1073, an unrestricted area, nor did the licensee control and maintain constant surveillance of this licensed material. These materials were lost.

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

- B. 10 CFR 20.2201(a)(1)(ii) requires that each licensee shall report by telephone within 30 days after the occurrence of any lost, stolen, or missing licensed material becomes known to the licensee, all licensed material in a quantity greater than 10 times the quantity specified in Appendix C to part 20 that is still missing at this time.

Contrary to the above, the licensee did not report by telephone within 30 days after the occurrence of missing licensed material became known to the licensee on July 8, 1996. Specifically, upon discovery of the loss of 1.13 mCi of carbon-14 and 1.34 mCi of hydrogen-3 on or about July 8, 1996, the licensee did not report this loss to the NRC until September 4, 1996, a time period greater than 30 days.

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

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RETURN ORIGINAL TO
REGION I

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Notice of Violation

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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 letter dated October 1, 1996. 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).

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