



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION II  
SAM NUNN ATLANTA FEDERAL CENTER  
61 FORSYTH STREET SW SUITE 23T85  
ATLANTA, GEORGIA 30303-8931

July 13, 2000

West Virginia University Hospitals, Inc.  
ATTN: Mr. Stephen Tancin  
Vice President  
P.O. Box 8136  
Morgantown, West Virginia 26506-9006

SUBJECT: NRC INSPECTION REPORT NO. 47-23066-02/00-01 AND NOTICE OF VIOLATION

Dear Mr. Tancin:

This refers to the inspection conducted on June 12 - 14, 2000, at your facilities located in Morgantown, West Virginia. The inspection was an examination of activities conducted under your license with respect to radiation safety and compliance with NRC regulations and the conditions of your license. It included selective examinations of procedures and representative records, interviews with personnel, and direct observations by the inspector. At the conclusion of the inspection, the findings were discussed with you.

Based on the results of this inspection, certain of your activities appeared to be in violation of NRC requirements, as specified in the enclosed Notice of Violation (Notice). The violations involved the failure to review occupational exposures that exceeded investigational limits and the failure to perform personnel surveys before leaving areas where radioactive materials are used.

In addition to the violations discussed in the Notice, the inspection identified concerns regarding the apparent deletion of electronic files including dosimetry information, by the former Radiation Safety Officer (RSO) by moving those files to the "Recycle Bin" on his computer along with the former RSO's failure to provide his successor with computer passwords needed to access certain radiation safety information. At the time of the inspection, it was not certain how NRC-required records were backed up or if any NRC-required records had been lost. The interim RSO and the chairman of the Radiation Safety Committee stated that they would conduct an audit to account for all required records to determine if any required records had been lost and report the results of that audit to the NRC. In your reply to this letter, please describe the results of that audit and any corrective or compensatory measures that may have been needed as the result of the audit.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. For your consideration and convenience, NRC Information Notice 96-28, "SUGGESTED GUIDANCE RELATING TO DEVELOPMENT AND IMPLEMENTATION OF CORRECTIVE ACTION," is enclosed. The NRC will use your

response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible for the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

If you have any questions, please call me at (404) 562-4731.

Sincerely,

/RA/

Mark S. Lesser, Chief  
Materials Licensing/Inspection Branch 2  
Division of Nuclear Materials Safety

Docket No. 030-20233  
License No. 47-23066-02

- Enclosures: 1. Notice of Violation
- 2. NRC Information Notice 96-28

cc w/encl 1:  
State of West Virginia

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COPY?	YES NO	YES NO	YES NO	YES NO

## NOTICE OF VIOLATION

West Virginia University Hospitals, Inc.  
Morgantown, West Virginia

Docket No. 030-20233  
License No. 47-23066-02

During an NRC inspection conducted on June 12 - 14, 2000, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

Condition 26 of NRC License No. 47-23066-02 requires that the licensee shall conduct its program in accordance with the statements, representations, and procedures contained, in part, in the license application dated February 25, 1991.

Section 10.2 of the application dated February 25, 1991, states that the licensee will establish and implement the model ALARA program described in Appendix G of Regulatory Guide 10.8, Rev 2. Section 6.B of Appendix G states that the RSO will review the exposure of each individual whose exposure in that quarter equal or exceed Investigational Level I.

Section 10.4 of the also states that the licensee will establish and implement the model safety rules described in Reg Guide 10.8, Rev. 2, Appendix I. Item 3 of Appendix I states that licensee personnel must, either after each procedure or before leaving the area, monitor their hands for contamination in a low-background area with a crystal probe or camera.

Contrary to the above, the licensee failed to comply with Condition 26 of the license as evidenced by the following examples:

- (1) On eight occasions between April 1999 and April 2000, the RSO did not review the occupational exposures of nuclear medicine technologists who had received Total Effective Dose Equivalent (TEDE) exceeding the licensee's ALARA I investigational limit of 125 mRem/quarter. Measured doses ranged from 188 to 288 mRem.
- (2) On June 13, 2000, several nuclear medicine technologists did not monitor their hands before leaving the department to take a break nor did they monitor their hands after each procedure.

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

Pursuant to the provisions of 10 CFR 2.201, West Virginia University Hospitals, Inc. 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 II, 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 or severity level, (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. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required

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response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to 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.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 13th day of July 2000