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# NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

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## **NRC PROPOSES \$39,000 FINE AGAINST DEPARTMENT OF VETERANS AFFAIRS FOR VIOLATIONS OF NRC REQUIREMENTS**

The Nuclear Regulatory Commission has proposed a civil penalty of \$39,000 against the Department of Veterans Affairs (DVA) for two violations of NRC regulations. The NRC identified that the DVA failed to recognize that problems with prostate brachytherapy programs existed at other VA facilities after similar problems were previously cited at the Philadelphia VA Medical Center's program.

"These violations should have been identified by the DVA during their own independent inspections of the VA facilities," said NRC Region III Regional Administrator Mark Satorius. "We expect the DVA to ensure all facilities with prostate brachytherapy programs not only fully understand and follow NRC regulations but also rigorously implement their oversight role to ensure medical procedures with nuclear materials are delivered safely to patients."

The NRC identified the violations after conducting numerous inspections and reviews at other VA facilities with prostate brachytherapy programs across the country from Oct. 8, 2008 to April 22, 2010. NRC inspections of the other VA facilities began after the VA hospital in Philadelphia failed to report 97 medical errors out of 116 prostate cancer treatment procedures performed between 2002 and 2008.

The violations are associated with the DVA's failure to develop and implement written procedures across all VA brachytherapy programs to verify the administrations of nuclear material according to the patients' treatment plan and written directive; as well as a failure to notify the NRC no later than the next day after the discovery of a medical event. The DVA has taken corrective actions to fix these two violations.

The NRC also determined that the DVA had not taken steps to fix the larger problems with the DVA's regulatory oversight organizations. The NRC concluded the VA National Radiation Safety Committee (NRSC) and the VA National Health Physics Program (NHPP) had not taken steps internally to aggressively assess their regulatory and oversight functions and performance.

The NRC held a regulatory conference in June at which the DVA disagreed with some aspects of the NRC's evaluation. After considering the information provided by the DVA, the NRC staff issued its final determination including the two violations and the \$39,000 civil penalty.

The NRC plans to hold a public meeting with the DVA to further discuss the actions that are necessary to improve the DVA's regulatory oversight organizations' performance. A meeting notice will be issued when a date has been finalized.

The DVA has 30 days to respond to the notice of violation.

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