



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

March 21, 2016

Mr. Craig Adams, Director
National Health Physics Program (115 HP/NLR)
Department of Veterans Affairs
Veterans Health Administration
2200 Fort Roots Drive
North Little Rock, AR 72114

SUBJECT: NRC INSPECTION REPORT 03034325/2015004(DNMS) – VA MEDICAL
CENTER, MARTINSBURG, WEST VIRGINIA

Dear Mr. Adams:

On January 11, 2016, the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection at the VA Medical Center, Martinsburg, West Virginia, with continued in-office review through February 25, 2016. The inspection was limited to a review of activities authorized under Permit Number 47-00714-02. The inspector conducted an exit meeting on March 1, 2016, with the management and staff at the facility.

The purpose of the in-office review was to review the circumstances pertaining to the permittee's possession of a sealed source that was not authorized on the permit. Since February 2013, the permittee was in possession of a specifically licensed device containing 40 millicuries of cadmium-109 (Thermo Scientific model XFB-3 source contained in a Niton x-ray fluorescence lead paint analyzer). The vendor thought that the medical center's permit authorized the material and shipped them the specifically licensed device.

The vendor obtained a copy of the medical center's permit and noted that they were authorized for "any byproduct material." The vendor interpreted the authorization to mean that the medical center was authorized to receive the cadmium-109 source. However, the authorization on the permit for "any byproduct material" was only for material identified in specific sections of Title 10 of the *Code of Federal Regulations* (CFR) Part 35. The device containing the source was ordered and received by the medical center's safety office in February 2013. The permittee was not authorized to receive the cadmium-109 source, which is a specifically licensed source and device.

As a result of the above, the inspector identified a minor violation of License Condition 10 of the Department of Veterans Affairs (DVA) Master Materials License. License Condition 10 states, in part, that material may be used at DVA facilities as authorized by permits issued by the National Radiation Safety Committee. The inspector identified that the medical center possessed a 40 millicurie cadmium-109 Thermo Scientific model XFB-3 source contained in a Niton x-ray fluorescence lead paint analyzer device, and the source was not authorized on the permit.

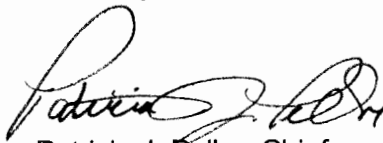
In accordance with the NRC Enforcement Policy, the minor violation is not being cited. As an immediate corrective action, on February 11, 2016, the permit was amended to add the source. As a long term corrective action, the permittee is planning to dispose of the device containing the source.

The inspection was an examination of activities conducted under the Permit as they relate to radiation safety and to compliance with the Commission's rules and regulations. Within these areas, the inspection consisted of selective examinations of procedures and representative records, interviews with personnel, independent measurements, and observation of activities in progress. Within the scope of the inspection no violations of NRC's requirements were identified; therefore, no response to this letter or the enclosed NRC Form 591M is required.

In accordance with Title 10 CFR 2.390 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's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html>.

Should you have any questions concerning this inspection or the enclosed report, please contact Kevin Null of my staff at (630) 829-9854.

Sincerely,



Patricia J. Pelke, Chief
Materials Licensing Branch
Division of Nuclear Materials Safety

Docket No. 030-34325
License No. 03-23853-01VA
Permit No. 47-00714-02

Enclosure:
IR 03034325/2015004(DNMS)

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/RA/

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Enclosure:
IR 03034325/2015004(DNMS)

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