

OFFICIAL RECORD COPY

OCT 20 1989

The Fairfax Hospital
ATTN: Mr. E. Deveney
Chief Executive Officer
3300 Gallows Road
Falls Church, VA 22046

Gentlemen:

03020648

SUBJECT: NRC REPORT NO: 45-17128-03/89-01

Thank you for your response of September 19, 1989, to our Notice of Violation, issued on August 31, 1989, concerning activities conducted under NRC License No. 45-17128-03. We have evaluated your response and found that it meets the requirements of 10 CFR 2.201. We will examine the implementation of your corrective actions during future inspections.

With regard to Violation A, we are evaluating your response, which denies this violation, and will notify you of its acceptability in the near future.

Sincerely,
ORIGINAL SIGNED
BY
W. E. CLINE

William E. Cline, Chief
Nuclear Materials Safety and
Safeguards Branch
Division of Radiation Safety
and Safeguards

cc: Commonwealth of Virginia

bcc: Document Control Desk

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3300 Gallows Road
Falls Church, Virginia 22046
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Department of Medical Physics/Radiation Safety

James A. Deyo, Ph.D, Director

September 19, 1989

United States Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, D.C. 20555

SUBJECT: Response to Notice of Violation (NRC Inspection Report
#45-17128-03/89-01)

Docket # 030-20648
License No. 45-17128-03

Gentlemen:

This letter is in response to the Notice of Violation growing out of the NRC inspection at Fairfax Hospital on August 2, 1989. Each of the items below is keyed by letter to the same letters used in the Notice of Violation.

- A. The Notice of Violation cites the licensee for allowing an unlicensed service engineer representing the vendor to work on the teletherapy unit between May 1988 and August 2, 1989. We have a problem with this part of the NOV for the following reasons: First, our license and the regulations require a person specifically licensed by the Commission or an Agreement State to perform teletherapy unit maintenance which includes: (a) Install, relocate, or remove a teletherapy sealed source or a teletherapy unit that contains a sealed source; or (b) Maintain, adjust, repair the source drawer, the shutter or other mechanism of a teletherapy unit that could expose the source, reduce the shielding around the source or result in increased radiation levels." Our last source change was performed on January 15, 1988 by CGR and the individual working at that time was licensed to do this work by the State of Maryland as our records indicate. Since that time, our service records show six occasions of service between May 11, 1988 and May 15, 1989, along with four preventive maintenance visits from the vendor. Since none of these service visits involved installation of a teletherapy source nor did they involve any work on the source drawer or shutter mechanism itself, nor on the shielding around the source, we do not feel that these service visits represented violations of our license requirement. We are aware that the NRC published an information notice, No. 87-18, which dealt with unauthorized service on teletherapy units by nonlicensed personnel. This information notice raised the interpretation that work even on door interlocks, console lights, timers, switches, and other electrical items may constitute unauthorized

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repairs by in-house staff. However, to our knowledge, this was only an information notice and did not require any change in the licensee's license conditions. Therefore, as stated above, we believe that a strict reading of our license was not violated in those instances where a nonlicensed vendor services representative worked on non-source drawer related items.

Secondly, we would appeal to the reasonableness of this specific violation since our records indicate (and copies of these records were made by the NRC inspector at the time of the inspection) that we had requested of General Electric, on at least two occasions, that they inform us as to who their licensed service representative was going to be since they had taken over CGR. Attached to this communication is the GE response dated May 27, 1988 in which they thank us for our inquiry and point out that, for the following 3 months, the same individual who was licensed by CGR will be a consultant to them and that they will let us know when they get other individuals licensed. I again raised the question with General Electric in a letter dated July 24, 1989, 2 weeks prior to your inspection. It appears to us that we have made every good-faith effort to get the vendor to live up to its responsibility prior to such an occasion where work on the source drive mechanism might have been required. We did not feel that the work that was taking place during this time period required such a licensed individual.

For each of these reasons, we would request that the NRC reconsider this aspect of its notice of violation. In lieu of such reconsideration we would like a specific enumeration from the NRC as to what items may be repaired in and around the Cobalt teletherapy room by anyone who is not licensed by the NRC for source drive mechanism work.

- B. This item states that contrary to our license, the full calibration which is required annually on the teletherapy unit ran 3 months beyond the 1 year interval. Our records indicate that this, in fact, was the case and it arose from having less than adequate physics staffing in the Radiation Oncology Department. To remedy this situation we have hired a second physicist as of June 1, 1989. This individual's credentials have been reviewed by the Radiation Safety Committee which has agreed that he meets the requirements to be designated as a second teletherapy physicist.
- C. Notice of Violation Item C states that contrary to our license, the licensee has not been instructing clerical, housekeeping, and security personnel in regards to radiation safety practices

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and radioactive materials usage. We would agree that this is the case and this situation stems from the fact that there are literally hundreds of such people within the Hospital who may have occasion to be around a brachytherapy or a teletherapy room. In addition, the turnover rate of these individuals is extremely high and in this institution, as in many others around the country, many of these people are not English-speaking. Therefore, such instruction will have to be accomplished in at least four languages. Given the extremely low probability that any of these individuals can have access to a hazardous situation and the extremely high cost attendant to such instruction, we would question the cost-effectiveness of such instruction. However, it was agreed with the on-site inspector that if we put together a short handout in the three or four languages appropriate to our staffing and make this handout available to each new worker in the Housekeeping, Security, and appropriate clerical staffing areas, this would be deemed adequate by the NRC. If this is the case, then such a handout will be prepared and we will begin using it by early November.

- D. The last item on the Notice of Violation states that contrary to our license, the leak tests of the Cobalt 60 source exceeded the 6 month interval. This stems from our interpretation that the leak tests had to be performed twice per year rather than with a maximum of 6 months between leak tests. Since we now understand the interpretation of the NRC, we will henceforth be certain that the interval between leak tests never exceeds 6 months.

This concludes our response to the Notice of Violation and we stand ready to discuss any of these points further if necessary.

Sincerely,



James A. Deye, Ph.D.
Radiation Safety Officer

JAD/jc

cc: Regional Administrator, Region II
United States Nuclear Regulatory Commission
101 Marietta Street, N.W.
Atlanta, Georgia 30323

Everett Devaney, Chief Executive Officer
Charles Barnett, Chief Operating Officer
Glenn Tonnesen, M.D., Chairman, Radiation Safety Committee



May 27, 1988

Dr. James Deye
Fairfax Hospital
3300 Gallows Road
Falls Church, VA 22056

Dear Dr. Deye:

Thank you for the inquiry regarding GE's intent and ability to service the Alcyon cobalt 60 unit installed at your facility. Following a trip to France last week, I can now give you an outline of our service strategy.

As you know, Russ Struss was the former CGR service engineer for cobalt. I have made arrangements with Russ to act as a service consultant for the next three months on an as needed basis. In addition, we are going to train two additional source handlers to support the four units we have installed in the U.S. There will be one licensed source handler in the east to support your needs and one in the mid-west. We have been told by the state of Maryland that the course offered by the C.E.A. in Paris will qualify a service engineer for license reasons. Our travel department is in the process of getting passport and visa requirements fulfilled for these two service engineers. Following the issue of these documents, the C.E.A. requires about five weeks for security clearance procedures. Our target is to have these two people qualified by the end of July.

We at GE appreciate your patience during our integration of the CGR radiotherapy product lines. Shortly you will begin seeing information in the journals reinforcing GE's commitment to this new business. If you have additional questions concerning our services or sales, you may contact me at 414-548-4651.

Sincerely,

Ron Rausch, Manager
GE Radiotherapy Service

RLR/gm