

OCT 30 1989

In Reply Refer To:
License: 26-00138-01
Docket: 030-02409/89-01

Veterans Administration Medical Center
ATTN: R. L. Turcotte, Director
4101 Woolworth Avenue
Omaha, Nebraska 68105

Gentlemen:

Thank you for your letter of October 10, 1989, in response to our letter and attached Notice of Violation both dated September 13, 1989. We have reviewed your reply and find it responsive to the concerns raised in our Notice of Violation. We will review the implementation of your corrective actions during a future inspection to determine whether full compliance has been achieved and will be maintained.

Sincerely,

Original Signed By:

A: B. BEACH

A. Bill Beach, Director
Division of Radiation Safety
and Safeguards

cc:
Nebraska Radiation Control Program Director

bcc w/copy of licensee letter:

DMB - Original (IE-07)
RDMartin
ABBeach
LAYandell
LShea, RM/ALF (AR-2015)
CLCain
RJEverett
GMVasquez
NMSB
MIS System
RIV Files (2)
RSTS Operator

RIV:NMIS
GMVasquez:ch
10/25/89

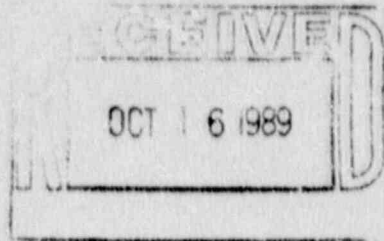
C:NMIS
CLCain
10/27/89

ABBeach
D:DRSS
ABBeach
10/27/89

IE-07
11



**Veterans
Administration**



October 10, 1989

William L. Fisher, Chief
Nuclear Materials Safety Branch - Region IV
U.S. Nuclear Regulatory Commission
611 Ryan Plaza Drive - Suite 1000
Arlington, Texas 76011

Dear Mr. Fisher:

Re: Docket: 030-02409/89-01
License: 26-00138-10

Pursuant to the provisions of 10 CFR 2.201, the following reply is submitted to the "Notice of Violation" for our NRC inspection conducted on August 7-8, 1989.

1. Item 1 - The Radiation Safety Officer (RSO) was aware of the annual audit requirement and had developed an "Audit Check List" which he submitted to the Radiation Safety Committee (RSC) at their July 17, 1989 meeting and subsequently showed to Mr. Vasquez during his visit. The subject of an audit was also discussed at the May 15, 1989 RCS meeting and the RSO informed the committee that he was developing an audit check list. However, the RSO misinterpreted 10 CFR 35.22(b)(6) and was of the impression that since his actions were being audited he should not participate in the audit. As a result it was difficult to gather an informed audit team and time slipped by. Parts of the radiation safety program are continuously reviewed by the RSC and the RSO but as noted in the inspection the complete program was not reviewed and documented. In the future the RSC will appoint a subcommittee each November to perform the annual audit and submit a written report by December 31. The requirement for the 1989 Audit will be completed in December, 1989. The lack of a formal audit in 1987 and 1988 was an oversight.

2. Item 2 - The lack of a management representative on the RSC was due to the fact that the assigned individual was removed from a management position under protest and because of the long litigation involved a replacement was overlooked. The RSC now fully understands the requirement and will assure that a meeting will not be conducted unless a management representative and the RSO are present.

3. Item 3, 4c, and 5a - The reason for the gaps in recording the data described in item 3, 4c and 5a was primarily due to the fact that unbeknown to the Chief of Nuclear Medicine and the Radiation Safety Officer friction existed between the two technologists and since the daily surveys were assigned to one and the consistency checks assigned to the other, neither

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William L. Fisher, Chief
Nuclear Materials Safety Branch

would perform the others duties when one was on vacation. This conflict has been resolved and the importance of performing each others job when the other is not present has been impressed on both technologists. The records will also be reviewed periodically at the RSC meetings.

4. Item 4a - The Radiation Safety Committee meeting is scheduled for the third Monday of each month so that we can be assured that all members can plan in advance to attend each meeting. On occasions when a quorum can not be assembled the meeting is cancelled. Since it has been found to be difficult to reschedule the meeting during the month and 10 CFR 35.22(2) states that the committee must meet at least quarterly, the meeting was not rescheduled during the month. The committee members lost sight of the fact that they would be held to Hospital Memorandum 115-1, dated August 27, 1984, stating that the RSC will meet monthly. Subsequent to the August 7, 1989 inspection, an application requesting that our license be amended to read "The Committee will meet as often as necessary to conduct its business but not less than once in each calendar quarter." The amended license dated September 28, 1989, has now been received.

5. Item 4b - The technologist cited was not actually drinking in the laboratory but was called into the laboratory from the office while he had the cup in his hand and sat it on a counter. However, it is realized that the presence of any eating utensil in the laboratory could present the possibility of personnel contamination. The posted laboratory procedures specifically states that no eating, drinking, smoking or applying cosmetics are to be done in the laboratory and this is reemphasized continually and in annual briefings. It has been made clear to the technologists that this is not to happen again.

6. Item 4c - See paragraph 3 above.

7. Item 4d - This violation was caused by the fact that the original survey meter being used by the Nuclear Medicine technologist malfunctioned and a different meter was substituted. The substituted meter had a range multiple that was confusing to the operator. During the daily surveys he compared the readings with background but failed to record the measured exposure rates. A different meter with a less confusing scale has now been furnished to Nuclear Medicine and the measured exposure rates will be recorded. These records will also be monitored periodically by the RSC and the RSO.

8. Item 5a - See paragraph 3 above.

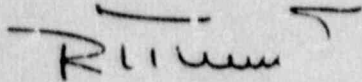
9. Item 5b - This was an oversight by the RSO and will not happen in the future. The quarterly signature requirement has been placed on the RSO's computerized inspection schedule check list.

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William L. Fisher, Chief
Nuclear Materials Safety Branch

10. In summary, full compliance with item 1 will be completed by Dec. 31, 1989. Full compliance of all other items was achieved on August 9, 1989.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "R. L. Turcotte". The signature is written in a cursive style with a horizontal line above the first few letters.

R.L. TURCOTTE
Director

In Response Reply To:
Docket: 030-02403/89-01
License: 26-00138-10

Veterans Administration Medical Center
ATTN: J. J. Matoole, M.D., Internal
Medicine, Chief of Staff
4101 Woolworth Avenue
Omaha, Nebraska 68105

Gentlemen:

This refers to the routine, unannounced radiation safety inspection conducted by Mr. G. Michael Vasquez of this office on August 7-8, 1989, of the activities authorized by NRC Byproduct Material License 26-00138-10, and to the discussion of our findings held by the inspector with Messrs. Alan Blotcky, John Claassen, and Dr. J. J. Matoole at the conclusion of the inspection.

The inspection was an examination of the activities conducted under the license as they relate to radiation safety and to compliance with the Commission's rules and regulations and the conditions of the license. The inspection consisted of selective examinations of procedures and representative records, interviews of personnel, independent measurements, and observations by the inspector.

During this inspection, certain of your activities were found not to be conducted in full compliance with NRC requirements. Consequently, you are required to respond to this matter, in writing, in accordance with the provisions of Section 2.201 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations. Your response should be based on the specifics contained in the Notice of Violation enclosed with this letter.

The inspector also reviewed the actions you had taken with respect to three violations observed during our previous inspection, conducted on May 7-8, 1987. The inspector verified that the corrective actions had been implemented as stated in your reply dated June 18, 1987.

The response directed by this letter and accompanying Notice is not subject to the clearance procedures of the Office of Management Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

RIV:NMIS *AM*
GMVasquez:jt
09/07/89

C:NMIS *MC*
CLGain
9/13/89

C:NMSB *MC*
WLFisher
9/13/89

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Veterans Administration
Medical Center

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Should you have any questions concerning this letter, we will be pleased to discuss them with you.

Sincerely,

Original Signed By:
CHARLES L. CAIN *for*

William L. Fisher, Chief
Nuclear Materials Safety Branch

Enclosure:
Appendix - Notice of Violation

cc:
Nebraska Radiation Control Program Director

bcc:
DMB - Original (IE-07)
RDMartin
ABBeach
REHall
WLFisher
LShea, RM/ALF (AR-2015)
*CLCain
*RJEverett
*Inspector
*NMSB
*MIS System
*RIV Files (2)
*RSTS Operator

*W/766

IE-07

APPENDIX
NOTICE OF VIOLATION

Veterans Administration Medical Center
Omaha, Nebraska

Docket: 030-02409/89-01
License: 26-00138-10

During an NRC inspection conducted on August 7-8, 1989, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1989) (Enforcement Policy), the violations are listed below:

1. 10 CFR 35.22(b)(6) requires that the Radiation Safety Committee (RSC) must review annually, with the assistance of the Radiation Safety Officer (RSO), the radiation safety program.

Contrary to the above, the RSC did not review the radiation safety program in 1987 or 1988.

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

2. 10 CFR 35.22(a)(1) requires, in part, that membership of the RSC must include a representative of management who is neither an authorized user nor an RSO.

Contrary to the above, the RSC did not include a member of management from November 1, 1988, through August 8, 1989.

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

3. 10 CFR 35.70(a) requires each licensee to survey with a radiation detection survey instrument at the end of each day of use all areas where radiopharmaceuticals are routinely prepared for use or administered.

Contrary to the above, no surveys were performed February 2-10, 1989, and July 18 through August 4, 1989.

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

4. License Condition 29 requires, in part, that the licensee use material in accordance with statements, representations, and procedures contained in the application dated November 11, 1978, and the letter dated September 7, 1984.

- a. An attachment to the letter dated September 7, 1984, (Memorandum 115-1, dated August 27, 1984) states, in part, that the RSC will meet monthly.

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