

**Veterans
Administration**

November 22, 1989

In Reply Refer To: 603/11

Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555THRU: Director, Nuclear Medicine Service (115)
Room 927-C
Washington, D.C. 20420SUBJ: Reply to a Notice of Violation
Docket No. 030-01747
Inspection Report No. 16-03121-02/89-01

1. The following is in response to your letter which referred to a NRC inspection conducted September 13-14, 1989. We submit that we are not in violation of 10 CRF 35.92 (a)(1).

2. It has been an existing practice at this facility for a number of years to store for decay all radioactive waste for more than ten (10) half-lives until background levels of activity have been reached, prior to disposal as ordinary waste.

3. Apparently, there was some miscommunication which occurred at the time of the inspection relative to disposal practice concerning the waste contained in the lead lined container used daily. It is recalled that Mr. Woodruff suggested to the Radiation Safety Officer, and the Assistant Radiation Safety Officer, that the decay in storage be accomplished in a separate lead lined container, as there are two such containers in the area. This suggestion was based most likely upon the impression of the inspector that as the container bag is filled, the most recent items of radioactive waste on top of the fill, would not have ten half-lives to decay, and the bag would be disposed of when full as ordinary trash; without allowing for the most recent waste added to decay; which is not the case. All material was completely allowed to decay, after removal from the container, to background levels (after 10 physical half-lives) by placing behind lead barrier brick in the fume hood for decay in storage. The comment made by the inspector was taken at the time as a logistical suggestion for consideration, and was not discussed further at the time of inspection, or at the exit interview as a problem related to compliance.

4. Our practice at the time of inspection and at present is as follows:

a. Once the bag of contaminated waste is full, it is removed from the lead lined waste container.

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b. It is then tied securely, and an appropriate label which contains all required information identifying the bag as radioactive waste is affixed to the bag.

c. The bag is then placed behind the lead barrier bricks in the fume hood for decay in storage. It is retained there for a minimum of ten half-lives, and until a reading with a survey meter taken at the surface is indistinguishable from background, prior to its placement for disposal of as ordinary waste.

5. The practices followed above we believe are in compliance with the Nuclear Regulatory Commission requirements previously identified in the Notice of Violation.

Allen J. Coletton
JWH Gerald Williams
Acting Medical Center Director

cc: Regional Administrator, Region II

UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W.
ATLANTA, GEORGIA 30325

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Docket No. 030-01747
License No. 16-03121-02

Veterans Administration Medical Center
ATTN: Mr. R. B. Wimmer
Director
800 Zion Avenue
Louisville, KY 40202

Gentlemen:

SUBJECT: NOTICE OF VIOLATION
(NRC INSPECTION REPORT NO. 16-03121-02/89-01)

This refers to the Nuclear Regulatory Commission (NRC) inspection conducted by Mr. R. Woodruff on September 13-14, 1989. At the conclusion of the inspection, the findings were discussed with you.

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.

The inspection findings indicate that certain activities appeared to violate NRC requirements. The violation, references to pertinent requirements, and elements to be included in your response are described in the enclosed Notice of Violation.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

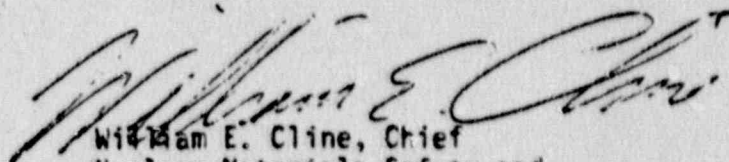
The responses directed by this letter and its enclosure are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

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Should you have any questions concerning this letter, please contact us.

Sincerely,



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

Enclosure:
Notice of Violation

cc w/encl:
State of Kentucky

V. A. Central Office
ATTN: Dr. James Fletcher, Director
Nuclear Medicine SVS (115)
Rm. 927-C
Washington, DC 20420

ENCLOSURE

NOTICE OF VIOLATION

Veterans Administration Medical Center
Louisville, Kentucky

Docket No. 030-01747
License No. 16-03121-02

During the Nuclear Regulatory Commission (NRC) inspection conducted on September 13-14, 1989, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1989), the violation is listed below:

10 CFR 35.92(a)(1) requires that byproduct material held for decay-in-storage before disposal in ordinary trash be held a minimum of ten half-lives.

Contrary to the above, as of September 14, 1989, byproduct material held for decay-in-storage was routinely sent for disposal in ordinary trash before the required ten half-lives. Specifically, the container used to collect waste for decay-in-storage was surveyed and disposed of when it was full, resulting in some material not being decayed for the required time.

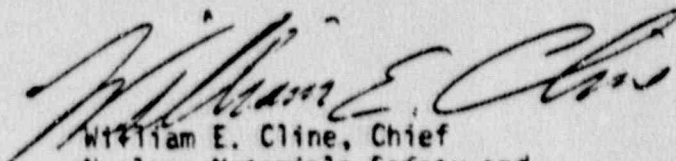
This is a Severity Level IV violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, Veterans Administration Medical Center is hereby required to submit a written statement or explanation to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator, Region II, within 30 days of the date of the letter transmitting this Notice. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include: (1) admission or denial of the violation, (2) the reason for the violation if admitted, (3) the corrective steps which have been taken and the results achieved, (4) the corrective steps which will be taken to avoid further violations, and (5) the date when full compliance will be achieved. Where good cause is shown, consideration will be given to extending the response time. If

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an adequate reply is not received within the time specified in this Notice, an order may be issued to show cause why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken.

FOR THE NUCLEAR REGULATORY COMMISSION



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

Dated at Atlanta, Georgia
this 9th day of November 1989