APPENDIX A

NOTICE OF VIOLATION

Straub Clinic & Hospital, Inc
Honolulu, Hawaii 96813

Docket No. 030-14529
License No. 53-18126-01

During an NRC inspection conducted on November 13, 21, and 2?· 1989 certain violations of NRC requirements were identified. In accorda.. : with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1989), the violations are listed below:

A. License Condition 14 provides, in part, that the licensee shall possess and use licensed material in accordance with statements, representations and procedures contained in the letter dated June 2, 1989 and application dated November 18, 1988.

(1) Item 10-8, Subitem 9 of the letter dated June 2, 1989 provides that radioactive waste shall be disposed of only in the specially designated waste containers.

Contrary to the above requirement, at the time of the inspection, contaminated waste measuring approximately 50,000 dpm/15cm^2 was found in a non-radioactive trash container in the Radio Immunoassay Laboratory.

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

(2) Section 8-1 of the application dated November 18, 1988, provides in part, that all individuals working in or frequenting any portion of a restricted area shall receive training commensurate with 10 CFR 19.12. This was to be accomplished by instruction at the beginning of their employment and during annual refresher training thereafter.

Contrary to the above requirement, at the time of the inspection, a housekeeping person cleaning the Nuclear Medicine Department area including the restricted areas had not received the required training.

This is a Severity Level IV Violation.

(3) Item 10-4, Subitem 1.B. of the letter dated June 2, 1989, provides, in part, that management will perform an annual audit of the ALARA program of the medical facility. This letter continues the licensee's commitment to annual management audits previously made by letter of August 26, 1983.

Contrary to the above requirement, the consultant's audit on October 20, 1988 identified that the 1987 annual Management audit had not been conducted and identified the same violation for 1988 once again on a subsequent audit on April 20, 1989. The licensee had failed to take action on the first consultant audit.

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

(4) Item 10-25, subitem 9 provides, in part, that before a therapy patient's room is released for unrestricted use, that the room will be surveyed for contamination and decontaminated if necessary.

Contrary to the above requirement, wipe surveys had not been conducted when therapy patient rooms were released on March 25, 1987 and on June 25, 1987.

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

B. 10 CFR 35.50b.(3) provides, in part, that each dose calibrator will be tested for linearity at least quarterly. 10 CFR 35.50(d) provides, in part, that a licensee shall mathematically correct dosage readings for any linearity error that exceeds 10% if the dosage is greater than 10 microcuries.

Contrary to the above requirements, the consultant's audit on October 20, 1988 identified that the linearity test was out of limits and identified the same violation once again on a subsequent audit on April 20, 1989. The licensee had failed to take action on findings of the first consultant audit and did not take immediate action on the findings of the second audit; however, corrective action had been taken prior to this inspection.

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

C. 10 CFR 30.51(a) provides, in part, that each person who receives byproduct material pursuant to a license issued pursuant to the regulations in this Part and Part 35 shall keep records showing the receipt, transfer and disposal of byproduct material.

Contrary to the above requirement, at the time of the inspection, records of transfers of licensed material to Pacific Radiopharmacy had not been maintained.

This is a Severity Level V Violation. (Supplement VI)

Pursuant to the provisions of 10 CFR 2.201, Straub Clinic is hereby required to submit a written statement of explanation to the U. S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D. C., 20555 with a copy to the Regional Administrator, Region V, 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 for each violation: (1) the reason for the violation if admitted; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken to avoid further violations; and (4) the date when full compliance will be achieved. If 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. Consideration may be given to extending the response time for good cause shown.

FOR THE NUCLEAR REGULATORY COMMISSION

G.P. Yuhas for

Robert J. Pate, Chief
Nuclear Materials Safety and
Safeguards Branch

Dated at Walnut Creek, California
this 21st day of December, 1989