

APPENDIX A

NOTICE OF VIOLATION

Veterans Administration Medical Center
West Haven, Connecticut 06516

Docket No. 030-01237
License No. 06-00092-05

As a result of the inspection conducted on October 4 and 6, 1989, and in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (Enforcement Policy) (1988), the following violations were identified:

- A. 10 CFR 20.201(b) requires that each licensee make such surveys as may be necessary to comply with all sections of Part 20. As defined in 10 CFR 20.201(a), "survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions.
1. Contrary to the above, as of October 6, 1989, surveys were not made to assure compliance with 10 CFR 20.305, which describes the authorized means of disposing of licensed material by incineration. Specifically, animal carcasses were incinerated and no evaluation was made to assure that the carcasses contained only hydrogren-3 or carbon-14 in concentrations less than 0.05 microcurie per gram of tissue.
 2. Contrary to the above, surveys were not made to assure compliance with 10 CFR 20.301 which describes authorized means of disposing of licensed material contained in waste. Specifically, on October 4, 1989, licensed material measuring 1 millirem per hour was identified in a normal waste receptacle and the licensee had not performed a survey to assure the waste was free of licensed material.

These are Severity Level IV violations. (Supplement IV)

- B. Condition 11.A of License No. 06-00092-05 requires that licensed material be used by, or under the supervision of, individuals designated by the Radiation Safety Committee. Condition 11.C requires that physicians designated to use licensed material in or on humans must meet the training and experience criteria established in Subpart J, 10 CFR 35, Code of Federal Regulations.

Contrary to the above, as of October 4, 1989, Hulley Dey, M.D., used licensed material, and was not designated by the Radiation Safety Committee nor were her credentials reviewed by the Committee to assure that her training and experience met the criteria established in Subpart J, 10 CFR 35, Code of Federal Regulations.

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

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C. Condition 20 of License No. 06-00092-05 requires that licensed material be possessed and used in accordance with statements, representations and procedures contained in an application dated July 11, 1980.

1. Item 10 of application dated July 11, 1980 requires that survey instruments be calibrated annually.

Contrary to the above, as of October 4, 1989, a survey instrument, Victoreen Model 491, used to perform required radiological surveys in a laboratory where millicurie quantities of phosphorus-32 are used, had not been calibrated since July 14, 1986.

2. Item 10 of application dated July 11, 1980 requires that the dose calibrator be tested for constancy daily and the results will be logged.

Contrary to the above, on July 1 and 2 and August 21, 24, 28-30, 1989, the dose calibrator was not tested for constancy and on October 3 and 4, 1989, the results of the constancy test were not logged.

3. Item 10 of application dated July 11, 1980 requires that the dose calibrator will be tested for linearity quarterly.

Contrary to the above, as of October 4, 1989 the dose calibrator was not tested for linearity quarterly but was being tested semi-annually.

These are Severity Level IV violations. (Supplement VI)

D. Condition 12.A(1) of License No. 06-00092-05 requires that sealed sources and detector cells containing byproduct material be tested for leakage and/or contamination at intervals not to exceed six months.

Contrary to the above, as of October 4, 1989, a sealed source containing 170 microcuries of cesium-137 had not been tested for contamination or during the six months prior to the inspection.

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

E. 10 CFR 20.203(f)(4) requires that, prior to disposal of an empty, uncontaminated container to an unrestricted area, the radioactive label be removed or defaced, or the container be marked as empty.

Contrary to the above, on October 4, 1989, a container labeled as DOT RADIOACTIVE YELLOW II was transferred for disposal without removing, defacing or marking the labels.

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

Pursuant to the provisions of 10 CFR 2.201, Veterans Administration Medical Center is hereby required to submit to this office within thirty days of the date of the letter which transmitted this Notice, a written statement or explanation in reply, including: (1) the corrective steps which have been taken and the results achieved; (2) corrective steps which will be taken to avoid further violations; and (3) the date when full compliance will be achieved. Where good cause is shown, consideration will be given to extending this response time.