APPENDIX A

NOTICE OF VIOLATION

Burbank Hospital
Fitchburg, Massachusetts 01420

Docket No. 030-14395
License No. 20-14767-01

During an NRC inspection conducted on August 19, 1993, 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, the violations are listed below:

A. 10 CR 35.22(b)(6) requires that, to oversee the use of licensed material, the Radiation Safety Committee must review annually, with the assistance of the Radiation Safety Officer, the radiation safety program.

Contrary to the above, from January 5, 1989 until August 19, 1993, the licensee's Radiation Safety Committee did not review, with the assistance of the Radiation Safety Officer, the licensee's radiation safety program. Specifically, the licensee's radiation safety manual was last reviewed January 5, 1989, and even though many of the procedures contained within the manual were changed with the licensee's renewal application dated August 9, 1988, the radiation safety manual was not updated.

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

B. 10 CFR 35.50(e) requires, in part, that a licensee retain records of annual accuracy tests and quarterly linearity tests of the dose calibrator, and that the records include the signature of the Radiation Safety Officer.

Contrary to the above, as of August 19, 1993, the licensee's records of the annual accuracy tests and the quarterly linearity tests of its dose calibrator did not include the signature of the Radiation Safety Officer.

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

C. 10 CFR 35.59(d) and 35.59(g) requires, in part, that a licensee retain records of leakage test results and physical inventories of sealed sources; and that the records contain the signature of the Radiation Safety Officer.

Contrary to the above, as of August 19, 1993, the licensee's records of leakage test results and physical inventories of sealed sources did not contain the signature of the Radiation Safety Officer.

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

D. 10 CFR 71.5(a) requires that licensees who transport licensed material outside the confines of their plants or deliver licensed material to a carrier for transport comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Part 170-189.

49 CFR 172.403(d) requires, in part, that the description for a shipment of radioactive material must include the activity contained in each package of the shipment.

Contrary to the above, as of August 19, 1993, the description for shipments of radioactive material did not always include the correct activity contained in each package of the shipment. Specifically, the licensee received molybdenum-99 generators of between 675 millicuries and 900 millicuries weekly, but when generators were returned to the radiopharmacy, the decay corrected activity was based on the assumption of receiving only 675 millicurie generators.

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

Pursuant to the provisions of 10 CFR 2.201, Burbank Hospital is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (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, or, if contested, the basis for disputing the violation, (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 or a Demand for Information 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. Where good cause is shown, consideration will be given to extending the response time.