



DEPARTMENT OF VETERANS AFFAIRS
Medical Center
222 Richmond Avenue
Batavia NY 14020

In Reply Refer To:

December 10, 1993

513/115
License No. 31-08946-02

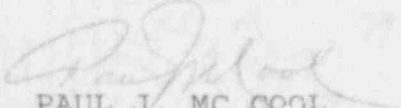
U.S. NUCLEAR REGULATORY COMMISSION
ATTN: Document Control Desk
Washington, D.C. 20555

SUBJECT: Reply to a Notice of Violation

Dear Sir/Madam,

This is our reply to a Notice of Violation from the NRC inspection No. 030-09204/93-002 on October 20 and 21, 1993. The two violations listed have been corrected and we are currently in compliance with NRC regulations. If you need any additional information please feel free to contact me.

Sincerely,


PAUL J. MC COOL
Medical Center Director

Atts.

cc.
Regional Administrator, Region I

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9312230095 931210
PDR ADOCK 03009204
C PDR

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REPLY TO A NOTICE OF VIOLATION

Veterans Administration Medical Center
Batavia, New York 14020

December 10, 1993

RE: Docket No. 030-09204/93-002
License No. 31-08946-02

A. Violation:

1 CFR 35.22(a)(2) requires that the Radiation Safety Committee meet at least quarterly.

Contrary to the above, the licensee's Radiation Safety Committee did not meet between May 4, 1993 and October 21, 1993, a period in excess of one calendar quarter.

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

Reason for the Violation:

1. The Radiation Safety Committee Meeting scheduled for August 2, 1993 was canceled because our nursing representative was on vacation. When she returned, our technologist left for military duty. When he returned, we learned he was leaving and a new technologist would start working here in late October. We believed our Radiation Safety Committee meeting would be more beneficial if it included our new technologist. Our meeting was held on November 8, 1993.

2. In the future, we will continue to schedule our meetings at least quarterly. If a member is unable to attend on the scheduled date, an alternate meeting date will be rescheduled by the RSO within 1 week. Our 1994 Radiation Safety Committee meeting schedule is enclosed.

Date when full compliance will be achieved:

Currently in compliance.

B. Violation:

10 CFR 35.27(a)(2) provides, in part, that a licensee may permit any visiting authorized user to use licensed material for medical use under the terms and conditions of the licensee's license for sixty days each year if the licensee has a copy of a license issued by the Commission or an Agreement State or a permit issued by a Commission or Agreement State broad licensee that identifies the visiting authorized user by name as an authorized user for medical use.

Contrary to the above, during October or November, 1992, the licensee permitted a visiting authorized user to use licensed material for medical use under the terms and conditions of the licensee's license, and the licensee did not have a copy of a license issued by the Commission or an Agreement State or a permit issued by a Commission or Agreement State board licensee that identified the visiting user by name as an authorized user for medical use.

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

Reason for the violation:

1. Our facility was visited by Bennett Greenspan, M.D. in October and November, 1992. Dr. Greenspan has been listed in our license application book as an authorized user since December, 1991. A copy of his authorization is enclosed.
2. His name is not on our NRC license because he was a visiting consultant and not an employee of our facility. He served as a consultant for scan interpretation only and was not involved in the handling of radioactive materials during his visits to our facility. Dr. Greenspan moved to California in September, 1993. His replacement will be listed as an authorized user on our NRC license before he visits our facility.

Date when full compliance will be achieved:

Currently in full compliance.

Department of
Veterans Affairs

Memorandum

Date: November 19, 1993

From: Chief, Nuclear Medicine

Subj: Radiation Safety Committee Meetings for 1994

To: Radiation Safety Committee Members

1. The Radiation Safety Committee will meet quarterly in 1994 on the following dates:

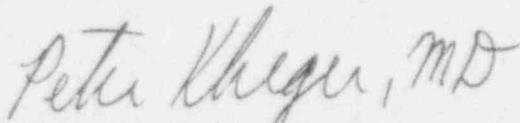
Monday, February 7, 1994

Monday, May 2, 1994

Monday, August 1, 1994

Monday, November 7, 1994

2. All meetings will be held at 1:00 P.M. in the Nuclear Medicine Department.



Peter S. Klieger, M.D.
Chief, Nuclear Medicine

Department of
Veterans Affairs

Memorandum

Date: January 12, 1993
From: Chief, Nuclear Medicine
Subject: Radiation Safety Committee Meetings for 1993
Radiation Safety Committee Members
To: 1. The Radiation Safety Committee will meet quarterly in 1993 on the following dates:

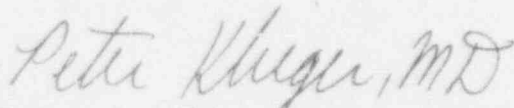
Monday, February 1, 1993

Monday, May 4, 1993

Monday, August 2, 1993

Monday, November 1, 1993

2. All meetings will be held at 11:00 AM in the Nuclear Medicine Department.



Peter S. Klieger, M.D.
Chief, Nuclear Medicine

Department of
Veterans Affairs

Memorandum

Date November 21, 1991
From Chief, Nuclear Medicine
Subj Radiation Safety Committee Meetings for 1992
To Radiation Safety Committee Members

The Radiation Safety Committee will meet quarterly in 1992 on the following dates:


Thursday February 6, 1992

Thursday, May 7, 1992

Thursday, August 6, 1992

Thursday, November 5, 1992

All meetings will be held at 11:00 AM in the Nuclear Medicine Department.



Peter S. Klieger, M.D.

Chief, Nuclear Medicine Service

cc: All members

AUTHORIZED USERS

People authorized to handle or use radioactive isotopes.

7.1.6

Bennett S. Greenspan, M.D.
Assistant Professor of Radiology
University of Rochester Medical Center
Board Certified in Radiology and Nuclear Medicine

Authorized for any byproduct material with atomic number 3 through 83 for medical use.

Left Facility
P. Kluger 9/28/93