

APPENDIX

NOTICE OF VIOLATION

Department of Veterans Affairs
Salt Lake City, Utah 84148

Docket: 030-03273
License: 43-03299-01

During an NRC inspection conducted on March 3-4, 1994, violations of NRC requirements were identified. In accordance with the "General Statement of Procedure and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the violations are listed below:

A. License Condition 14 of Byproduct Materials License 43-03299-01 states that the license is based on the licensee's statements and representations contained in the application dated March 28, 1988.

1. Item 3 of Section 10.12, "Area Survey Procedures," of the application states that all elution, preparation, injection areas will be surveyed daily by the personnel working in that area.

Contrary to the above, as of March 4, 1994, daily surveys of all applicable injection areas had not been conducted. Specifically, the licensee had only conducted daily surveys of the Nuclear Medicine Hot Lab (preparation area).

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

2. Section 10.7, "Procedures for Opening Packages Containing Radioactive Material," of the application states, in part, that the exposure rate is to be measured at 3 feet from the package surface and recorded, and if damage is noted, the wipe tests described in paragraphs 6 and 8 must be performed.

Contrary to the above, as of March 4, 1994, the licensee had been re-opening packages containing technetium-99m, a radioactive material, and the licensee had not been monitoring the packages for radiation levels or, if required, for radioactive contamination.

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

B. 10 CFR 20.1501 requires that each licensee make or cause to be made surveys that may be necessary for the licensee to comply with the regulations in Part 20 and that are reasonable under the circumstances to evaluate the extent of radiation levels, concentrations or quantities of radioactive materials, and the potential radiological hazards that could be present.

Pursuant to 10 CFR 20.1003, *survey* means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of radioactive material or other sources of radiation.

Contrary to the above, as of March 4, 1994, the licensee did not make surveys to assure compliance with 10 CFR 20.1201 and 20.1301, which limits radiation exposure to adults (occupationally exposed) and to individual members of the public. Specifically, the licensee had been conducting compaction operations and had not evaluated the extent of radiation levels, concentrations of quantities of radioactive materials, and the potential radiological hazards that could be present.

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

Pursuant to the provisions of 10 CFR 2.201, Department of Veterans Affairs 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 IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, 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.

Dated at Arlington, Texas
this 15th day of March 1994