

APPENDIX

NOTICE OF VIOLATION

Department of Veterans Affairs
Denver, Colorado 80220

Docket: 030-01234
License: 05-01401-02

During an NRC inspection conducted on February 14-15, and 17, 1994, 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 CFR 35.70(a) requires that a licensee survey with a radiation detection survey instrument at the end of each day of use all areas where radiopharmaceuticals are routinely prepared for use or administered.

Contrary to the above, on several occasions, the licensee did not survey with a radiation detection instrument at the end of the day areas where radiopharmaceuticals were routinely prepared for use or administered. Specifically, no such surveys were performed on holidays when emergency diagnostic work was performed. Examples of such dates included December 25, 1993, and January 1, 1994.

This is a repeat violation.

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

- B. 10 CFR 35.50(b)(3) requires, in part, that a licensee test each dose calibrator for linearity over the range of its use between the highest dosage that will be administered to a patient and 10 microcuries.

Contrary to the above, the licensee's dose calibrator linearity tests performed during 1993 covered only the range between 165 millicuries and 10 microcuries. The highest dosage that the licensee administered to a patient during 1993 was 197 millicuries.

This is Severity Level IV violation (Supplement VI).

- C. 10 CFR 20.1801 requires that the licensee secure from unauthorized removal or access licensed materials that are stored in controlled or unrestricted areas. 10 CFR 20.1802 requires that the licensee control and maintain constant surveillance of licensed material that is in a controlled or unrestricted area and that is not in storage. As defined in 10 CFR 20.1003, *controlled area* means an area, outside of a restricted area but inside the site boundary, access to which can be limited by the licensee for any reason, and an *unrestricted area* is defined as an area, access to which is neither limited nor controlled by the licensee.

Contrary to the above, on February 15, 1994, the licensee did not secure from unauthorized removal or limit access to radioactive waste located in Room 9C 100b, a controlled area, nor did the licensee control and

maintain constant surveillance of this licensed material. Specifically, the door to Room 9C 100b was not locked.

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 day of 1994