APPENDIX

NOTICE OF VIOLATION

Nuclear Pharmacy of Idaho, Inc.
Boise, Idaho 83702

Docket: 030-32223
License: 11-27398-01MD

During an NRC inspection conducted on February 3-4, 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 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 February 4, 1994, the licensee had not made surveys in accordance with 10 CFR 20.1302(a) to ensure compliance with 10 CFR 20.1301, which limits the total effective dose equivalent to individual members of the public to 0.1 rem in a year. Specifically, the licensee failed to adequately evaluate during January 1994 the radiation levels present in unrestricted areas due to the release of radioactive effluents, particularly iodine-131. Surveys indicated that airborne iodine-131 effluents may exceed the effluent concentrations specified in 10 CFR Part 20, Appendix B, Table 2, and did not account for physical decay of I-131 on sample media collected weekly.

Also, the licensee had not made surveys to adequately evaluate the radiation levels in unrestricted areas immediately adjacent to the licensee's facility. Although two area monitoring dosimeters had been placed on the east and west inner walls of the licensee's facility to assist in assessing the radiation levels in adjacent offices, the number and placement of the monitoring badges were not adequate to properly assess the radiation levels within the unrestricted areas in all cases. Also, measurements obtained were not adjusted to compensate for distances between the dosimeters and the unrestricted area boundaries.

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

B. License Condition 13 specifies that sources identified in Items 7.G through 7.I shall be tested for leakage and/or contamination at intervals not to exceed 6 months and that any source in storage and not being used need not be tested. When a source is removed from storage for use or transfer, it shall be tested before use or transfer.

Contrary to the above, between November 1992 and December 1993, a period in excess of 6 months, the licensee did not test a 173 microcurie cesium-137 sealed source (Serial No. 3890-15) for leakage. Also, a 238-microcurie cesium-137 sealed source (Serial No. 205-43-35) last leak tested on November 3, 1989, was transferred to another licensee on January 31, 1992, without first being leak tested.

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

C. License Condition 26 requires, in part, that licensed material be used in accordance with statements, representations, and procedures contained in the application dated July 3, 1991, and letters dated August 3, August 31, and September 15, 1991.

1. Item 10.4 of the application dated July 3, 1991, specifies that the licensee has adopted the dose calibrator calibration program described in Appendix E of Draft Regulatory Guide FC 410-4, dated August 1985. Section 1 of Appendix E specifies that dose calibrator linearity tests be performed at installation and at 3-month intervals thereafter.

   Contrary to the above, the licensee failed to perform a linearity test for two dose calibrators (Serial Nos. 10434 and 50165A) during the first quarter of 1993.

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

2. Item 9 of the application dated July 3, 1991, and Item 5 of the letter dated August 3, 1991, states that the room where volatile radioactive materials (xenon-133, iodine-131) are stored or used will be maintained under negative pressure with respect to the rest of the facility, and an air flow rate of 400 cubic feet per minute will be maintained in the storage room.

   Contrary to the above, the licensee did not perform tests to demonstrate that the room used for storage and use of volatile radioactive materials was under a negative pressure and that the prescribed air flow was maintained in the storage room.

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

3. Item 10.1.3 of the application dated July 3, 1991, specifies that the licensee will establish and follow written personnel monitoring procedures in Item 10.1.2 of Draft Regulatory Guide FC 410-4, dated August 1985.

   Item 10.1.2.5 of Guide requires, in part, that pocket dosimeters used to measure exposure from licensed material be operable, calibrated, and tested for drift at intervals not to exceed one year.

Contrary to the above, pocket dosimeters (Dosimeter Corporation of America Model 862 pocket dosimeter, Serial Nos. 106001 and 2082430) had not been calibrated or drift tested during calendar year 1993.

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

Pursuant to the provisions of 10 CFR 2.201, Nuclear Pharmacy of Idaho, Inc., 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 4th day of April 1994