APPENDIX A

NOTICE OF VIOLATION

V. A. Hospital (FDR)
Montrose, NY 10548-0100

Docket No. 030-12782
License No. 31-17455-01

During an NRC inspection conducted on March 28, 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 35.50(b)(3) requires, in part, that a licensee test each dose calibrator for linearity upon installation.

Contrary to the above, the licensee did not test its dose calibrator for linearity at the time of installation, which occurred on November 25, 1992.

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

B. 10 CFR 35.51(a) requires, in part, that for survey instruments used to show compliance with 10 CFR Part 35, a licensee calibrate two separated readings with a radiation source on all scales with readings up to 1000 millirem per hour.

Contrary to the above, all calibrations of the licensee's Ludlum model 14C survey instrument were not performed at two separated readings on the times 1000 scale, and the licensee uses this survey instrument to show compliance with 10 CFR Part 35.

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

C. 10 CFR 35.51(b) requires, in part, that the licensee consider a point as calibrated when calibrating a survey instrument if the indicated exposure rate differs from the calculated exposure rate by not more than 20 percent.

Contrary to the above, from May 17, 1993, to July 23, 1993, the licensee considered the Picker survey instrument as calibrated even though the indicated exposure rate differed from the calculated exposure rate by as much as 250 percent over the range of 10 millirem per hour to 500 millirem per hour.

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

D. 10 CFR 35.70(b) requires that a licensee survey with a radiation detection survey instrument at least once each week all areas where radiopharmaceuticals or radiopharmaceutical waste is stored.

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Contrary to the above, as of March 28, 1994, the licensee did not survey with a radiation detection survey instrument the radiopharmaceutical receipt area, an area where radiopharmaceuticals were stored.

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

E. Condition 14 of License No. 31-17455-01 requires that license material be possessed and used in accordance with statements, representations and procedures contained in an application dated December 8, 1992.

Item No. 10.4 of this application requires that safe use of radiopharmaceuticals be conducted as described in Appendix I of Regulatory Guide 10.8, Revision 2.

Appendix I of Regulatory Guide 10.8 requires that gloves be worn when handling radioactive material.

Contrary to the above, as of March 28, 1994, a nuclear medicine technologist did not wear gloves when handling radioactive material.

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

F. 10 CFR 35.50(e) requires, in part, that a licensee retain records of linearity and geometry dependence tests of the dose calibrator for three years unless directed otherwise.

Contrary to the above, as of March 28, 1994, the licensee did not retain records of the linearity or the geometry dependence tests of its loaner dose calibrator used from November 16 to 24, 1992.

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

G. 10 CFR 35.59(d) requires that a licensee retain records of leakage test results for five years; and that the records contain the model number, and serial number if assigned, of each source tested; the identity of each source radionuclide and its estimated activity; the measured activity of each test sample expressed in microcuries; a description of the method used to measure each test sample; the date of the test; and the signature of the Radiation Safety Officer.

Contrary to the above, as of March 28, 1994, the licensee's records of leakage test results did not contain the model number, and serial number if assigned, of each source tested; and the identity of each source tested.

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

Pursuant to the provisions of 10 CFR 2.201, V. A. Hospital (FDR) 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.