

NOV 30 1990

License: 40-26908-01
Docket: 30-30273/90-02

W. A. Boade, M.D., Ltd.
ATTN: W. A. Boade, M.D.
1100 South Euclid
Sioux Falls, South Dakota 57117-5039

Gentlemen:

This refers to the routine, unannounced radiation safety inspection conducted by Ms. L. L. Kasner of this office on October 22-26, 1990, of the activities authorized by NRC Byproduct Material License No. 40-26908-01, and to the discussion of our findings held by the inspector with the radiation safety officer (RSO) at the conclusion of the inspection. This letter also acknowledges receipt of your letter dated September 27, 1990, in response to our letter and attached Notice of Violation both dated September 14, 1990, in regard to our June 20, 1990, inspection at your facility in Mankato, Minnesota.

The inspection was an examination of the activities conducted under the license as they relate to radiation safety and to compliance with the Commission's rules and regulations and the conditions of the license. The inspection consisted of selective examinations of procedures and representative records, interviews of personnel, independent measurements, and observations by the inspector.

During this inspection, certain of your activities were found not to be conducted in full compliance with NRC requirements. Consequently, you are required to respond to this matter in writing, in accordance with the provisions of Section 2.201 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations. Your response should be based on the specifics contained in the Notice of Violation enclosed with this letter.

The inspector also reviewed the actions you had taken with respect to two violations observed during our previous inspection conducted on June 20, 1990, at the Mankato, Minnesota, facility. She verified that corrective actions had been taken regarding the failure to conduct dose calibrator constancy checks at each address of use. Although she noted that corrective measures had not been fully implemented at the time of the inspection, she observed that the required check sources had been obtained and, as verified by the RSO, that this requirement should be met within the timeframe indicated in your response. Since corrective actions had not been fully implemented, this item is considered open and will be reviewed during a future inspection. The second violation, involving a discrepancy in the Mankato facility address listed on the license, had been corrected by your request for license amendment which was subsequently issued by NRC on October 30, 1990.

The audits conducted by your consulting physicist had been effective in identifying four violations of NRC requirements. These violations involved

RIV:NMSIS *JK*
LLKasner
11/23/90

C:NMSIS *XC*
CLCain
11/26/90

D:DRSS
NARBeach
11/28/90

9012130226 901130
REG4 LIC30
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failure to: (1) maintain a record of molybdenum-99 content for each technetium-99m eluate which included notation of the ratio of the measurement expressed in microcuries of molybdenum-99 per millicurie of technetium as required under 10 CFR 35.204(c); (2) record the background dose rate for surveys conducted in association with disposal of material by decay-in-storage as required under 10 CFR 35.92(b); (3) conduct dose calibrator linearity tests over a range of activity as low as 10 microcuries as required under 10 CFR 35.50(b)(3); and (4) measure the ambient radiation dose rates quarterly in areas where sealed sources had been stored as required under 10 CFR 35.59(h). A fifth violation was identified by the inspector, involving the failure to include radiopharmaceutical expiration dates in patient dosage records as required under 10 CFR 35.53(c)(1).

These items have not been cited in the enclosed Notice, inasmuch as the inspector noted that the violations had been promptly corrected, the corrective actions had been properly documented, and appeared to be adequate to prevent recurrence of these violations. Since these violations would normally be categorized as Severity Level IV and V violations, in accordance with Sections V.A. and V.G.1 of the NRC's Enforcement Policy, a Notice of Violation will not be issued for these specific violations. Your corrective actions will be reviewed during future inspections to ensure that they remain effective.

In accordance with 10 CFR 2.790 of the Commission's regulations, a copy of this letter, the enclosures, and your response to this letter will be placed in the NRC Public Document Room.

The response directed by this letter and the accompanying Notice is not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

Should you have any questions concerning this letter, we will be pleased to discuss them with you.

Sincerely,

Original Signed By:

A. B. BEACH

A. Bill Beach, Director
Division of Radiation Safety
and Safeguards

Enclosure:
Appendix - Notice of Violation

cc:
South Dakota Radiation Control Program Director

bcc:
DMB - Original (IE-07)
RDMartin
ABBeach
LAYandell
MRodriguez, OC/LFDCB (4503)
*WLFisher
*CLCain
*LLKasner
*NMSIS
*MIS System
*RIV Files (2)
*RSTS Operator
*REHall, URFO

*W/766