

December 7, 1990

Docket No. 030-08130  
License No. 29-01040-03  
EA 90-198

The General Hospital at Passaic  
ATTN: Thomas D'Esmond  
Vice President of Operations  
350 Boulevard  
Passaic, New Jersey 07055

Gentlemen:

Subject: NOTICE OF VIOLATION  
(NRC Inspection Report No. 90-001)

This letter refers to the special inspection conducted on June 20, 1990, at your facility in Passaic, New Jersey, of activities authorized under NRC License No. 29-01040-03. This also refers to the subsequent investigation conducted by the NRC Office of Investigation (OI). The inspection report, as well as a copy of the OI investigation synopsis, are enclosed. During the inspection and investigation, violations of NRC requirements were identified. The violations are described in the enclosed Notice.

One of the violations involved the willful falsification of a record of a survey of the hot laboratory by one of your nuclear medicine technologists (NMT). Specifically, the NMT completed a log on the evening of June 14, 1990 which indicated that he had performed a survey on that date and found background levels of radiation, when in fact, no such survey was performed. At the time, minor isolated levels of contamination actually existed in the laboratory. The NRC recognizes that this appears to have been an isolated occurrence and the significance of the violation was low because only a small area of the laboratory was contaminated, the level of contamination was low, and the half-life of the radiopharmaceutical involved was short. Therefore, the violation is classified at Severity Level IV in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (Enforcement Policy) (1990).

Civil penalties are normally issued for willful violations at any Severity Level, and therefore, the NRC gave serious consideration to issuance of a civil penalty in this case. However, the NRC recognizes that the individual admitted the falsification, which appears to have been an isolated occurrence, and that even prior to the NRC inspection, appropriate corrective actions were initiated to prevent recurrence of similar violations. These actions, which were described during the inspection and in your letters dated June 15, 1990, July 5, 1990,

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and July 18, 1990, included issuance of a written reprimand to the responsible individual on June 18, 1990, retraining of all personnel, institution of biweekly staff meetings, and monthly internal inspections of the program to confirm compliance with requirements. Furthermore, the State of New Jersey issued a civil penalty in the amount of \$600 for violations of State regulated activities associated with this event. Therefore, in light of your corrective actions and the penalty issued by the State, the NRC has decided not to issue a civil penalty in this case.

Nonetheless, falsification of records is a violation that cannot and will not be tolerated by the NRC. Therefore, you should reiterate to all of your employees the importance of maintaining complete and accurate records of all activities. Any similar violation in the future may result in more significant enforcement action, such as civil penalties, or orders to modify, suspend or revoke your license.

The two other violations of NRC requirements identified during the inspection are described in the enclosed Notice. These violations are also classified at Severity Level IV. The NRC is particularly concerned about one of these violations involving the Assistant Chief NMT's (supervisor) failure to assure that action was taken promptly to decontaminate the area (where minor levels of contamination existed) and notify the Radiation Safety Officer, as required. Therefore, you should also emphasize to your employees, particularly to supervision, the importance of prompt resolution of deficiencies when identified.

A fourth violation, involving the failure by individuals to perform surveys of themselves at the end of the day, is not included in the Notice of Violation, but is described in the inspection report as a non-cited violation because it was simultaneously identified by you and the state inspector and corrective actions were taken.

You are required to respond to the enclosed Notice and, in preparing your response, you should follow the instructions specified therein. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Your response should address actions taken to improve communications among your staff and improve control of licensed activities to ensure that problems, when they exist, are promptly identified and corrected. After reviewing your response to this Notice, including your proposed corrective actions, and the results of future inspections, the NRC will determine whether further enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and the enclosure will be placed in the NRC's Public Document Room.

The General Hospital at Passaic 3

The responses directed by this letter and the enclosure are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Sincerely,

Original Signed By:  
Thomas T. Martin

Thomas T. Martin  
Regional Administrator

Enclosures:

1. Notice of Violation
2. Inspection Report No. 030-08130/90-001
3. Synopsis of OI Investigation

cc:  
Public Document Room (PDR)  
Nuclear Safety Information Center (NSIC)  
State of New Jersey

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