APPENDIX

NOTICE OF VIOLATION

Memorial Medical Center
and Cancer Institute, Inc.
dba Cancer Treatment Center of Tulsa
Tulsa, Oklahoma 74137-1200

Docket: 030-31840
License: 35-27041-01

During an NRC inspection conducted on May 3, 4, and 5, 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 35.51(c) requires, in part, that a licensee check each survey instrument for proper operation with the dedicated check source each day of use.

Contrary to the above, as of May 6, 1994, the licensee routinely did not check its survey meter with a dedicated check source on days when the instrument was used.

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

B. 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. 10 CFR 35.70(e) requires that a licensee survey for removable contamination once each week all areas where radiopharmaceuticals are routinely prepared for use, administered, or stored.

Contrary to the above, from January 1993 through May 6, 1994, the licensee did not survey with a radiation detection instrument at the end of the day, and did not survey weekly for removable contamination, areas where radiopharmaceuticals were routinely administered. For example, no such surveys were performed in the outpatient clinic (Rooms 100-110) or patient rooms, areas where radiopharmaceuticals were routinely administered.

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

C. 10 CFR 35.21(a) requires that the licensee, through the Radiation Safety Officer, ensure that radiation safety activities are being performed in accordance with approved procedures. The licensee's procedures for the use of the high dose rate afterloading device are described in the letter dated May 19, 1992, and were approved by License Condition 15.

The letter dated May 19, 1994, states in item No. IX that prior to initiation of the treatment program and subsequent to each source exchange for the high dose rate afterloader, radiation surveys and tests will be conducted in all areas adjacent to the treatment room with the

source in the exposed position to demonstrate compliance with 10 CFR Part 20.

Contrary to the above, during 1993 and 1994 the licensee, through its Radiation Safety Officer, failed to ensure that radiation safety activities were being performed in accordance with the above procedures. Specifically, the licensee did not perform radiation surveys in all areas adjacent to the treatment room subsequent to each source exchange.

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

D. 10 CFR 35.70(h) requires, in part, that a licensee retain a record of surveys required by 10 CFR 35.70 for 3 years. The record must include the detected dose rate at several points in each area expressed in millirem per hour or the removable contamination in each area expressed in disintegrations per minute per 100 square centimeters (dpm per 100 cm^2).

Contrary to the above, from 1993 through May 6, 1994, the records of the removable contamination surveys were not expressed in units of dpm per 100 cm^2.

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

E. 10 CFR 35.59(g) requires, in part, that a licensee retain for 5 years records of quarterly physical inventories of sealed sources and brachytherapy sources in its possession.

Contrary to the above, as of May 6, 1994, the licensee did not retain records of quarterly physical inventories of its sealed sources and brachytherapy sources performed during the first quarter of 1993, a retention period of less than 5 years.

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

Pursuant to the provisions of 10 CFR 2.201, Memorial Medical Center and Cancer Institute, Inc., dba Cancer Treatment Center of Tulsa, 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 26th day of May, 1994