

DEC. 28 1990

Docket No. 030-09204

License No. 31-08946-02
EA No. 90-184
MN No. 90-124

Veterans Administration Medical Center
ATTN: William Manley, Director
Batavia, New York 14020

Gentlemen:

Subject: Routine Inspection No. 030-09204/90-001, Enforcement Conference
No. 030-09204/90-002 and Notice of Violation

This correspondence refers to the Enforcement Conference held with you and members of your staff on November 6, 1990 at the NRC Regional Office in King of Prussia, Pennsylvania. The Enforcement Conference was held to discuss the findings of an inspection performed by Mr. Christopher J. Eckert of this office on September 18, 1990 at your Veterans Administration Medical Center in Batavia, New York. The subjects discussed at this meeting are included in the enclosed Enforcement Conference Summary Report, with an addendum and attachments 1-8 that were presented at the conference. Also enclosed is Appendix A, which delineates the violations identified during the inspection.

The violations include: (1) failure to provide adequate training to a technician performing licensed activities; (2) failure to calibrate survey meters annually; (3) failure to conduct adequate annual reviews of the radiation safety program; (4) failure to maintain adequate records of area surveys; (5) failure to maintain adequate records of dose calibrator linearity tests; and (6) failure to maintain adequate records of sealed source leak tests.

These violations have been classified as Severity Level IV violations (violations having more than minor safety significance) in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (Enforcement Policy) (1990). However, notwithstanding this classification, the NRC is concerned because of the number of violations, and because your system of records, upon which the NRC relies, in part, to ascertain your compliance with regulatory requirements, was inadequate as evidenced by your failure to maintain complete records of either dose calibrator or sealed source leak tests.

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Further, the NRC is particularly concerned that your health technician for nuclear medicine was not adequately trained in accordance with the conditions of your license. These violations indicate that your management control system has not been sufficiently aggressive in ensuring that licensed activities are performed in accordance with the requirements of your license. Therefore, any recurrence of these violations may result in more significant enforcement action.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice of Violation (Notice) when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to take to prevent recurrence of the violations. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

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

The responses directed by this letter and the accompanying Notice are 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.

Your cooperation with us is appreciated.

Sincerely,

*Original Signed by
Malcolm R. Knapp*

Malcolm R. Knapp, Director
Division of Radiation Safety
and Safeguards

Enclosures:

1. Appendix A, Notice of Violation
2. Enforcement Conference Summary Report
3. Attachments 1-8

cc:

Public Document Room (PDR)
Nuclear Safety Information Center (NSIC)
State of New York
Syed Husain, Radiation Safety Officer

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bcc:
Region I Docket Room (w/concurrences)
Management Assistant, DRMA
C. Eckert, RI

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