APPENDIX A

NOTICE OF VIOLATION

Veterans Administration Medical Center
Wilmington, Delaware 19805

Docket No. 030-01301
License No. 07-09495-01

During an NRC inspection conducted on June 22, 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 20.1501(a) requires that the licensee make or cause to be made, surveys that may be necessary to comply with the regulations in Part 20 and are reasonable under the circumstances to evaluate the extent of radiation levels; quantities of radioactive material; and the potential radiological hazards that could be present. As defined in 10 CFR 20.1003, "survey" means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of radioactive material or other sources of radiation.

Contrary to the above, on June 22, 1994, the licensee did not make or cause to be made a, surveys to ensure compliance with the regulations in Part 20, and that were reasonable under the circumstances to evaluate the extent of radiation levels; quantities of radioactive material; and the potential radiological hazards that could be present. Specifically, on June 22, 1994, a Nuclear Medicine Technologist did not perform a survey of her person and the hot laboratory following the preparation of a radiopharmaceutical for a gastric emptying study, which required the cooking of an egg and mixing of technetium-99m with the egg. Failure to perform a survey resulted in unnecessary contamination of the technologists hands, shoe, and lab coat, and several areas and items in the hot lab and scan room, which ranged from 0.1 to 10 millirem per hour.

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

B. 10 CFR 35.21(a) requires that the licensee, through the Radiation Safety Officer, shall that radiation safety activities are being performed in accordance with approved procedures and regulatory requirements in the daily operation of the licensee's byproduct material program.

The licensee's approved procedures for the safe use of radioactive material are identified in Section 10.4 of the application dated August 17, 1990 as those contained in Appendix I of Regulatory Guide 10.8, (Revision 2). Item 9 of Appendix I states that radioactive waste will be disposed of only in designated, labeled, and properly shielded receptacles.

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Contrary to the above, on June 22, 1994, radioactive waste which measured 0.1 millirem per hour was not disposed of in a designated, labeled, and properly shielded receptacle. Specifically, radioactive waste was placed in a biohazardous waste container which was not intended for radioactive waste.

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

C. 10 CFR 20.1906(b) requires, in part, that the external surfaces of a labeled package be monitored for radioactive contamination unless the package contains only radioactive material in the form of a gas or in special form as defined in 10 CFR 71.4.

Contrary to the above, from January 1, 1994 to June 22, 1994, the external surfaces of labeled packages were not monitored for radioactive contamination and the packages did not contain only radioactive material in the form of a gas or in special form as defined in 10 CFR 71.4.

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

D. 10 CFR 19.12 requires that individuals working in or frequenting restricted areas be instructed in the precautions and procedures to minimize exposure and in the applicable provisions of Commission regulations and licenses.

Contrary to the above, as of June 22, 1994, a nuclear medicine technologist working in the nuclear medicine hot laboratory, a restricted area, was not instructed in the precautions and procedures to minimize exposure and in the applicable provisions of Commission regulations and licenses. Specifically, the nuclear technologist was not instructed in how to read a survey instrument or on survey trigger levels established by the licensee, as required by in 10 CFR 35.70(d).

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

Pursuant to the provisions of 10 CFR 2.201, Veterans Administration Medical Center 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.