

NOTICE OF VIOLATION

Veterans Administration Medical Center Docket No. 030-08456
3350 La Jolla Village Drive License No. 04-15030-01
San Diego, California 92161

During NRC inspections conducted on November 2-4, 1990 and December 10-14, 1990, 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 (1990), the violations are listed below:

- A. 10 CFR 30.3 states, in part, that no person shall possess or use byproduct material except as authorized in a specific or general license issued pursuant to NRC regulations. License Condition 21 of License No. 04-15030-01 requires in part that the licensee conduct its program in accordance with the statements, representations, and procedures included with the letter dated August 1, 1989.

Appendix VIII, paragraph IV.b.2, of the Radiation Safety Manual enclosed with the licensee's letter of August 1, 1989 requires authorized users to ensure that persons under their supervision who are subject to occupational radiation exposure, are trained in good health physics practices and in maintaining radiation exposures as low as reasonably achievable.

Contrary to the above, at the time of a radiation contamination incident on or about November 1, 1990, a principal research investigator had not ensured that a researcher under his supervision had been trained in good health physics practices specific to the researcher's laboratory assignments. As a result, poor health physics practices ensued and led to the contamination incident on or about November 1, 1990, and unnecessary radiation exposures to facility personnel.

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

- B. 10 CFR 35.50(b)(3) requires, in part, quarterly testing of the linearity of a dose calibrator over the range of its use between the highest dose administered to a patient and 10 microcuries.

Contrary to the above, at the time of the inspection, the licensee was routinely performing quarterly linearity tests on the dose calibrator using doses between the highest dose administered to patients and 700 microcuries rather than 10 microcuries.

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

- C. 10 CFR 35.204(c) provides in part that licensees required to measure molybdenum-99 concentration must retain a record of each measurement, and the record must include for each elution or extraction of technetium-99m, the measured activity of the technetium-99m expressed in millicuries.

Contrary to the above, at the time of the inspection, records of technetium 99m activity were estimates only and not the result of actual measurements.

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

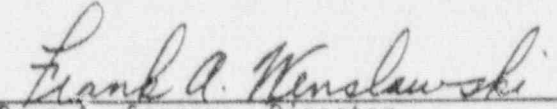
- D. 10 CFR 20.401(b) states in part that each licensee shall maintain records of surveys required by section 20.201(b) in the same units used in Part 20.

Contrary to the above, records of 20.201(b) surveys of the Hematology/Oncology Laboratory for surveys of April 17 and 24, May 4 and 18, and June 13 and 28, 1990, were recorded in counts per minute instead of disintegrations per minute. This is a repeat violation.

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

Pursuant to the provisions of 10 CFR 2.201, the 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 V, 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 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 Walnut Creek, California
this 13th day of March 1991


for Frank A. Wenslawski
Ross A. Scarano, Director
Division of Radiation Safety and
Safeguards