ENCLOSURE 1

NOTICE OF VIOLATION

Metropolitan Hospital, Inc.
Richmond, Virginia

Docket No. 030-12684
License No. 45-17395-01
EA 94-062

During an NRC investigation completed on January 27, 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 30.9(a) requires, in part, that information required by the Commission's regulations to be maintained by a licensee be complete and accurate in all material respects.

10 CFR 35.50(e) requires, in part, that a licensee retain records of constancy checks of the dose calibrator required by 10 CFR 35.50(b)(1) for three years unless directed otherwise.

Contrary to the above, required records of dose calibrator constancy checks conducted between July 6 and 24, 1992, were not complete and accurate in all material respects. Specifically, a technologist entered check results in the daily dose calibrator constancy check records which were not reflective of the actual results of measurements. (01014)

This is a Severity Level IV violation (Supplemental VII).

B. 10 CFR 35.50(b)(1) requires, in part, that a licensee check each dose calibrator for constancy with a dedicated check source at the beginning of each day of use.

Contrary to the above, between July 6 and 24, 1992, the licensee did not properly check the dose calibrator for constancy with the dedicated check source at the beginning of each day in which the dose calibrator was used to measure patient doses of radiopharmaceuticals. (01024)

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

Pursuant to the provisions of 10 CFR 2.201, Metropolitan Hospital, Inc. is hereby required to submit a written statement or explanation to the Regional Administrator, Region II, with a copy to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, 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

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compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order or demand for information may be issued as to 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 Atlanta, Georgia
This 26th day of August 1994

ENCLOSURE 2

SYNOPSIS

On May 24, 1993, the U.S. Nuclear Regulatory Commission (NRC), Region II, Office of Investigations (OI) initiated a full-scale investigation regarding an allegation that the dose calibrator daily constancy test records had been fabricated at Metropolitan Hospital, Inc. (MH), Richmond, Virginia. An unannounced inspection conducted by the Radiation Safety Officer (RSO) at MH revealed that a temporary nuclear medical technologist may have fabricated the dose calibrator constancy test records because she allegedly could not locate the appropriate radioactive source with which to conduct the test. The technologist admitted that she used a different source (cesium) from the type source (cobalt) which had been used in the past by previous MH nuclear medicine technologists.

Evidence obtained during this investigation revealed that the technologist conducted the daily constancy test using one type source but then supplied data as if she used a different source. It is concluded that the technologist deliberately provided information to the licensee which she knew was inaccurate.