

NOTICE OF VIOLATION

Medical Arts Center
West Branch, MI

License No. 21-26523-01
Docket No. 030-33281

During an NRC inspection conducted on May 19 through June 30, 1994, violation 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 violation are listed below:

1. 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 training are described in the licensee's application dated August 4, 1993, and were approved by License Condition No. 16.

The licensee's application dated August 4, 1993, states in Item No. 8 that the licensee will instruct personnel whenever there is a significant change in duties, regulations, or terms of the license.

Contrary to the above, as of June 30, 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's Radiation Safety Officer did not ensure that the nuclear medicine technologists were instructed about the revisions to 10 CFR Part 20 that became effective on January 1, 1994.

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

2. 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 calibrating the dose calibrator are described in the licensee's application dated August 4, 1993, and were approved by License Condition No. 16.

The licensee's application dated August 4, 1993, states in Item No. 9.3 that the licensee will test the dose calibrator for linearity, geometry dependance, and accuracy at the time of installation.

Contrary to the above, as of May 17, 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's Radiation Safety Officer did not ensure that the dose calibrator was tested for linearity, geometry dependance, and accuracy prior to preparation and assay of patient dosages from about May 3 through 27, 1994.

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

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3. 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 area surveys are described in the licensee's application dated August 4, 1993, and were approved by License Condition No. 16.

The licensee's application dated August 4, 1993, states in Item No. 10.9 that the licensee's Radiation Safety Officer will review and initial the survey records monthly.

Contrary to the above, as of June 30, 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's Radiation Safety Officer did not review or initial survey records monthly.

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

4. 10 CFR 35.92(a) permits a licensee to dispose of byproduct material with a physical half-life of less than 65 days in ordinary trash, provided, in part, that the licensee first holds such byproduct material for decay a minimum of ten half-lives.

Contrary to the above, on June 30, 1994, the licensee disposed of technetium-99m in ordinary trash without first holding this material for decay a minimum of ten half-lives.

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

Pursuant to the provisions of 10 CFR 2.201, Medical Arts Center is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, Region III, 801 Warrenville Road, Lisle, Illinois, 60532-4351, 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 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 Lisle, Illinois
this 30th day of September 1994