

NOTICE OF VIOLATION

Jashu R. Patel, M.D.
Jackson, Michigan

License No. 21-26598-01
Docket No. 030-33183

During an NRC inspection conducted on September 29, 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:

1. 10 CFR 20.1801 requires that the licensee secure from unauthorized removal or access licensed materials that are stored in unrestricted areas. 10 CFR 20.1802 requires that the licensee control and maintain constant surveillance of licensed material that is in an unrestricted area and that is not in storage. As defined in 10 CFR 20.1003, *unrestricted area* means an area, access to which is neither limited nor controlled by the licensee.

Contrary to the above, on September 29, 1994, the licensee did not secure from unauthorized removal or limit access to sealed source dose calibrator standards containing microcurie quantities of barium-133 and cesium-137 located in the hot lab, an unrestricted area, nor did the licensee control and maintain constant surveillance of this licensed material. Specifically, the door to the hot lab was not locked to prevent access to the sealed sources that were unsecured within the hot lab.

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

2. 10 CFR 35.59(g) requires, in part, that a licensee in possession of a sealed source or brachytherapy source conduct a quarterly physical inventory of all such sources in its possession.

Contrary to the above, the licensee did not conduct a physical inventory of its sealed source dose calibrator standards from July 1993 to September 1994, a period in excess of a calendar quarter.

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

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 monitoring personnel radiation exposure are described in the application dated May 10, 1993, and were approved by License Condition No. 16.

A. The application dated May 10, 1993, states in Item No. 10, Appendix J, entitled, "Personnel External Exposure Monitoring Program," that the licensee will issue film badges and TLD's at monthly intervals.

Contrary to the above, as of September 29, 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 issued film badges and TLD's at quarterly intervals.

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

- B. The application dated May 10, 1993, states in Item No.10, Appendix J, entitled, "Personnel External Exposure Monitoring Program," that the licensee's Radiation Safety Officer will promptly review personnel radiation dosimetry reports to evaluate individual radiation doses to personnel.

Contrary to the above, as of September 29, 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 the personnel radiation dosimetry reports.

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

Pursuant to the provisions of 10 CFR 2.201, Jashu R. Patel, M.D. 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 22nd day of November 1994