

Department of  
Veterans Affairs

September 11, 1992

In Reply Refer to:

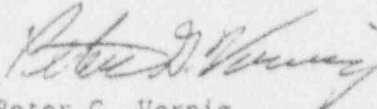
U.S. Nuclear Regulatory Commission  
Operations CenterReference: Title 10, Code of Federal Regulations Part 21  
Reporting of Defects and Noncompliance

Gentlemen,

I am reporting an incident that I do not feel should merit reporting. The incident is one where [10 CFR 21.21 (c) (1)] "...a defect affecting- (i)...the operation of a facility or activity within the United States that is subject to the licensing requirements under parts 30, 40, 60, 61, 70, 71, or 72..." has occurred. Section 21.21 (c) does not even include the constraint of a "substantial safety hazard" as do paragraphs (a) and (b) by reference to paragraph a.

The incident occurred yesterday on September 10, 1992 when a 5 milliliter vial of chromium-51 supplied by DuPont was opened and found to have leaked due to a suspected "defect" in the aluminum seal. Transmitted after this letter is the letter which was FAXed to DuPont, describing the problem in more detail. This letter is intended as complying with 21.21 (c) (3) (i) initial notification. If you determine that this incident is not reportable under part 21 I would sincerely appreciate notification as soon as possible so that I do not need to make the formal written notification required by 21.21 (c) (3) (ii). Even if you feel this is a reportable incident I would think that DuPont would be more appropriate as the reporting licensee. If you agree and require a report of them rather than the Department of Veterans Affairs Denver Medical Center again I would appreciate notification.

I have every confidence that DuPont will investigate the matter and take appropriate action. Again I feel this report should not be necessary but with the publication of your Information Notice 91-39 and issuing of a "noncitable violation" for failure to post under 10 CFR 21.6 to a VA Facility in your Region II I want to be sure that our facility complies with part 21. I asked for guidance from our Regional NRC Office (IV) and was advised that it probably was 't required but to be safe I should report.

  
Peter G. Vernig  
Radiation Safety Officer