

NOTICE OF VIOLATION

Joseph R. Peacock, Jr., M.D.
Pike Creek Sports Medicine Center
3105 Limestone Road
Wilmington, Delaware 19808

Docket No. 030-28798
License No. 07-20884-01

During an NRC inspection conducted on March 14, 1996 and April 12, 1996 violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG 1600, the violations are listed below:

- A. Condition 15 of License No. 07-20884-01 requires that the licensee conduct its program in accordance with the statements, representations, and procedures contained in license application dated July 10, 1990.

Item 8 of Attachment 10.4 to license application dated July, 10 1990 requires, in part, that monitored personnel wear a finger monitor during the preparation, assay, and injection of radiopharmaceuticals.

Contrary to the above, on April 12, 1996, the licensee, did not conduct its program in accordance with the statements, representations, and procedures contained in license application dated July 10, 1990. Monitored personnel did not wear a finger monitor during preparation and assay of radiopharmaceuticals. Specifically, the nuclear medicine technologist did not wear his extremity TLD monitor during the preparation and assay of patient doses.

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

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

Contrary to the above, the licensee did not conduct a quarterly physical inventory of its sealed sources located at the West Grove, Pennsylvania location from May 20, 1994 to October 14, 1994, a period in excess of a quarter.

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

- C. 10 CFR 35.59(b)(2) requires, in part, that a licensee in possession of a sealed source test the source for leakage at intervals not to exceed six months.

Contrary to the above, the licensee did not test a sealed source containing 178 microcuries of cesium-137 for leakage between May 20, 1994 and January 20, 1995, an interval in excess of six months.

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

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- D. 10 CFR 35.51(a)(3) requires that a licensee conspicuously note the apparent exposure rate from a dedicated check source, as determined at the time of calibration on any survey instrument used to show compliance with 10 CFR Part 35.

Contrary to the above, the licensee did not conspicuously note the apparent exposure rate from a dedicated check source, as determined at the time of calibration of its survey instruments used to show compliance with 10 CFR 35. Specifically, the licensee did not note the apparent exposure rate from a dedicated check source as determined at the time of calibration on its Atomic Products model 069-701 calibrated August 19, 1994, Eberline model E-140 calibrated June 30, 1993 and June 29, 1994, and Victoreen model 2035 calibrated October 7, 1991, July 7, 1992, and April 22, 1994 survey instruments. In addition, the licensee did not note the apparent exposure rate on three additional survey instruments calibrated between June 1991 and June 1994, and the licensee was using these survey instruments to show compliance with 10 CFR Part 35.

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

- E. Condition 15 of License No. 07-20884-01 requires that the licensee conduct its program in accordance with the statements, representations, and procedures contained in letter dated March 3, 1992.

Item 2 of letter dated March 3, 1992 states, in part, that all personnel employed at the licensee's facility receive training initially and annually.

Contrary to the above, as of April 12, 1996 the licensee did not conduct its program in accordance with the statements, representations, and procedures contained in letter dated March 3, 1992. All personnel employed at the licensee's facility did not receive training annually. Specifically, as of April 12, 1996, the licensee did not conduct annual training for the nuclear medicine technologist, and other personnel employed at the licensee's facilities located at West Grove, Pennsylvania and Wilmington, Delaware. These additional personnel include, ancillary personnel, EKG technologists, and physicians involved in the treatment and scheduling of patients undergoing diagnostic procedures using technetium-99m radiopharmaceuticals.

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

Pursuant to the provisions of 10 CFR 2.201, Joseph R. Peacock, Jr., M.D. 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 I, 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. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. 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.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.