

## NOTICE OF VIOLATION

Department of Veterans Affairs Medical Center  
West Roxbury, MA

Docket No. 030-01902  
License No. 20-08551-01

During an NRC inspection conducted on March 3 and 4, 1999, five violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG-1600, the violations are listed below:

- A. 10 CFR 35.13(c) requires, in part, that a licensee apply for and receive a license amendment before it changes Radiation Safety Officer (RSO).

Contrary to the above, as of March 4, 1999, the licensee did not apply for and receive a license amendment before it changed RSO. Specifically, the RSO retired in January of 1998 and the licensee appointed an authorized user to assume the duties of the RSO. However, the licensee did not request that its license be amended to reflect the change as of March 4, 1999.

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

- B. 10 CFR 35.14(b)(2) requires, in part, that the licensee notify the Commission by letter no later than 30 days after an RSO permanently discontinues performance of duties under the license.

Contrary to the above, as of March 4, 1999, the licensee did not notify the Commission by letter no later than 30 days after the RSO permanently discontinued performance of duties under the license. Specifically, the RSO permanently discontinued performance of duties under the license in January of 1998 and the Commission was not notified as of March 4, 1999.

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

- C. 10 CFR 35.22(a)(3) requires, in part, that for each Radiation Safety Committee (RSC) to establish a quorum and to conduct business, the RSO must be present.

Contrary to the above, as of January 1998, the RSC did not establish a quorum and conducted business and the RSO was not present. Specifically, the RSO retired in January of 1998 and no new RSO was named on the license.

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

- D. 10 CFR 35.32(b)(1) requires, in part, that the licensee conduct a review of the quality management program to verify compliance with all aspects of the quality management program; these reviews shall be conducted at intervals no greater than 12 months.

Contrary to the above, as of March 4, 1999, the licensee did not conduct a review of the quality management program to verify compliance with all aspects of the quality management program at intervals no greater than 12 months. Specifically, the last quality management program review was conducted on January 29, 1997, an interval exceeding 12 months.

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

- E. 10 CFR 35.205(e) requires that licensees check the operation of reusable collection systems each month, and measure the ventilation rates available in areas of radioactive gas use each six months.

Contrary to the above, as of March 4, 1999, the licensee did not check the operation of reusable collection systems each month, and measure the ventilation rates available in areas of radioactive gas use each six months. Specifically, the licensee checked the operation of reusable collection systems each quarter, and measured the ventilation rates available in areas of radioactive gas use annually.

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

Pursuant to the provisions of 10 CFR 2.201, Department of Veterans Affairs Medical Center 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.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

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.

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