

April 12, 1989

In Reply Refer To:

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, D.C. 20555

Re: Reply to a Notice of Violation. (Lic. No. 27-23287-01)

A. Improper storage of licensed material.

1. Violation occurred because of using a new facility.
2. The material is now kept in a locked area with a warning sign on the door. It is fully secured until used and full compliance is now achieved.

B. Dose calibrated constancy check.

1. Violation because CS source was on order.
2. CS source is now available and a constancy check is done prior to use.
3. We are now in full compliance.

C. Records for nuclear technician exposure.

1. Records were maintained in another area.
2. Copies are now kept in this institution.
3. We are now in full compliance.

D. Records of radiation and contamination survey.

1. Records were maintained in another institution since we use the same camera.
2. Records are now kept at this institution.
3. We are now in full compliance.

Irving B. Joffe
Irving B. Joffe, M.D.
Radiation Safety Officer

cc: Regional Administration Region V

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APPENDIX A

NOTICE OF VIOLATION

V. A. Medical Care Outpatient Clinic
1703 W. Charleston Blvd.
Las Vegas, Nevada 89104

Docket No. 030-30844
License No. 27-23287-01

During an NRC inspection conducted on March 7, 1987 certain 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 (1988), the violations are listed below:

- A. 10 CFR 20.207 provides that licensed material shall be secured from unauthorized removal from the place of storage, or be under the constant surveillance and immediate control of the licensee.

Contrary to the above requirement, at the time of the inspection, licensed material was stored after delivery in the Nuclear Medicine physician's office until use. During the inspection, the licensee's material was on occasions unattended and unsecured.

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

- B. 10 CFR 35.50(b)(1) provides, in part, that each dose calibrator shall be checked for constancy with a dedicated check source prior to use.

Contrary to the above requirement, at the time of the inspection, daily constancy checks had never been conducted due to the lack of a dedicated check source. The dose calibrator is used on the average of approximately four hours per week and has been used on this basis since January 1, 1989.

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

- C. 10 CFR 20.401(c)(1) provides, in part, that records of individual exposure to radiation exposure shall be maintained and preserved until the Commission authorizes disposition.

Contrary to the above requirement, at the time of the inspection, records of radiation exposure for the Nuclear Medicine Technician had not been maintained.

This is a Severity Level V Violation. (Supplement IV)

- D. 10 CFR 35.70(h) provides that a licensee shall maintain a record of each radiation and contamination survey. The record must include the date of the survey, a plan for each area surveyed, the trigger level established for each area, the detected dose rate at several points in each area expressed in millirem per hour or the removable contamination in each area expressed in disintegrations per minute per 100 square centimeters, the instrument used to make the survey or analyze the samples, and the initials of the individual who performed the survey.

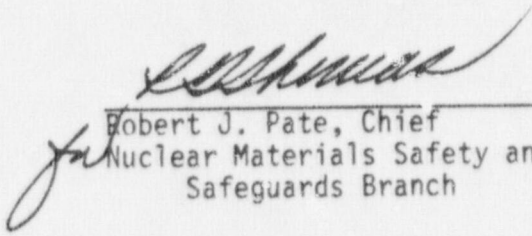
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Contrary to the above requirements, at the time of the inspection, records of radiation and contamination surveys had not been maintained for January 23, February 21, and 28, 1989 when licensed material were used.

This is a Severity Level V Violation. (Supplement VI)

Pursuant to the provisions of 10 CFR 2.201, V. A. Medical Care Outpatient Clinic, Las Vegas, Nevada, is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, Region V within 30 days of the date of the letter transmitting this 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 if admitted, (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 may be issued to show cause why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown.

FOR THE NUCLEAR REGULATORY COMMISSION


Robert J. Pate, Chief
Nuclear Materials Safety and
Safeguards Branch

Dated at Walnut Creek, California
this 3rd day of April 1989