

NOV. 29 1990

Docket No. 030-10026
CAL No. 1-90-019

License No. 31-02755-05

VA Medical Center
ATTN: Fred Malphurs, Director
113 Holland Avenue
Albany, New York 12208

Gentlemen:

Subject: Confirmatory Action Letter No. 1-90-019

On November 20-21, 1990, Mr. Christopher J. Eckert of this office conducted an inspection of NRC licensed activities at the above addressed facility. Several radiological safety weaknesses and apparent violations of NRC requirements were identified. The identified problems indicate an apparent lack of radiological safety program oversight at your facility.

Pursuant to a telephone conversation between you, Dr. Ronald Bellamy and Dr. Mohamed Shanbaky of this office on November 28, 1990, it is our understanding that you have taken or will take the following actions, which will be completed by the dates specified:

1. Perform a complete inventory of all your radioactive sealed sources. Provide the inventory results to this office by December 7, 1990. The results should indicate the serial number, activity and location of each source. Lost sources will be immediately reported to this office in accordance with 10 CFR 20.402 requirements.
2. Provide by January 31, 1991, training to your staff commensurate with their program functions and responsibilities. The training should include: (a) applicable NRC requirements; (b) your procedural requirements and (c) appropriate radiological safety precautions.
3. Obtain the services of an independent consultant to perform a comprehensive evaluation (audit) of your radiation safety program, to be completed by December 31, 1990.
4. Review the results of this audit, and provide, to this office, by January 31, 1991:
 - (a) a written response detailing your planned action for each audit finding

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(b) a written plan for improving your radiation safety program at the Veterans Administration Medical Center. This plan will address, in addition to improvements discussed above:

1. Your management controls system and oversight of program activities,
2. staffing requirements and assignments of program responsibilities,
3. your procedures for performing radioactive sealed source inventory and control,
4. your iodine therapy program and associated radiological controls, and
5. your procedures for radioactive material package receipt and security.

In addition, it is our understanding that you have already revised your existing procedures to preclude the loss of licensed material from your radioactive materials receipt area.

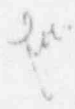
During the above referenced November 28, 1990, telephone call, you also agreed to attend an Enforcement Conference to discuss the radiological safety weaknesses and apparent violations identified during the November 20-21 inspection. The Conference is to be held at our Region I office in King of Prussia, Pennsylvania, at 10:00 a.m. on December 13, 1990.

The responses directed by this letter are not subject to the clearance procedures of the Office of Management and Budget, as required by the Paperwork Reduction Act of 1980, Pub. L. 96-511. In accordance with 10 CFR 2.790(a), a copy of this letter will be placed in the NRC Public Document Room.

Issuance of this Confirmatory Action Letter does not preclude the issuance of an Order formalizing the above commitments. If your understanding differs from that set forth above, please call me immediately.

Sincerely,

Original Signed By:
Richard W. Cooper

 Malcolm R. Knapp, Director
Division of Radiation Safety
and Safeguards

cc:
Public Document Room (PDR)
Nuclear Safety Information Center (NSIC)
State of New York

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bcc:

Region I Docket Room (w/concurrences)

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J. Goldberg, OGC

R. Cunningham, NMSS

J. Glenn, NMSS

D. Holody, RI

M. Knapp, RI

R. Cooper, RI

R. Bellamy, RI

M. Shanbaky, RI

C. Eckert, RI

RI:DRSS
Shanbaky
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REPORT OF INTERVIEW
WITH
DR. LAWRENCE H. FLESH

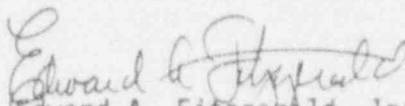
On Thursday, January 31, 1991, Dr. Lawrence H. FLESH, Chief of Staff, Veterans Administration Medical Center (VAMC), Albany, New York, was interviewed by OI Investigator Edward A. Fitzgerald, via telephone concerning radiation safety at VAMC.

FLESH stated that he selected and notified Dr. Andrew KANG that he (KANG) would be the Radiation Safety Officer (RSO) upon the October 13, 1989, departure of Dr. Robin HILL-ZOBEL, former RSO.

INVESTIGATOR'S NOTE: Dr. FLESH submitted a request to the NRC, naming KANG as the RSO on November 8, 1989. License was revised on January 13, 1990, to include the November 8, 1989, letter as part of License Condition 18.

FLESH said that KANG was the most logical choice since HILL-ZOBEL reported to KANG and that KANG should know the duties of the RSO because he supervised the function. FLESH also stated that he met with KANG initially and conducted an overview of the duties of the RSO.

Reported by:


Edward A. Fitzgerald, Investigator
Office of Investigations
Field Office, Region I

Reviewed by: 

Date: 2/6/91

REPORT OF INTERVIEW
WITH
CHRISTOPHER J. ECKERT

On Monday, January 14, 1991, Christopher J. ECKERT, Health Physicist, Nuclear Materials Safety Branch, Division of Radiation Safety and Safeguards (DRSS), U.S. Nuclear Regulatory Commission (NRC), was interviewed by OI Investigator Edward A. Fitzgerald, in Region I NRC offices concerning the NRC inspection of the Veterans Administration Medical Center (VAMC), Albany, New York.

ECKERT affirmed that he conducted NRC Inspection Number 030-10026/90-001 on November 20 and 21, 1990, at VAMC.

ECKERT said that during the course of the inspection he requested to review records of the Quarterly Sealed Source Inventory with Drs. Andrew KANG and James ZHANG. KANG produced a file with four inventories (January 1990, April 1990, July 1990 and October 14, 1990). While reviewing the inventory dated October 14, 1990, ECKERT asked KANG what the meaning of the codes listed on the inventory meant, KANG attempted to explain the codes but could not and subsequently said he did not know. KANG told ECKERT these codes were generated by the previous RSO (who left in October 1989). ECKERT asked ZHANG if he knew the meaning of the codes and he said he did not know. ECKERT asked how did they perform the inventory if they did not know what the codes meant? Neither, KANG nor ZHANG could answer the question.

KANG left the room, then ECKERT again asked ZHANG to be honest and he admitted that he used an old inventory. ZHANG said he conducted an inventory during which some sources were not found. ZHANG said that to his knowledge none of the sources were reported lost or stolen and believes that KANG did not report them missing.

ECKERT said KANG returned to the room and was again asked how the inventory was done if he didn't know what the codes meant. He (KANG) was also asked if the inventory was in fact conducted, and responded, "it was done and some of the sources were difficult to find."

During review of the Sealed Source Leak Test records, ECKERT asked KANG where certain items listed on the leak test record appeared on the inventory record, and KANG could not explain this. (The items selected were cesium brachytherapy needles.)

ECKERT specifically asked KANG as to location of the cesium needles and KANG said they were possibly in Nuclear Medicine or Radiation Therapy but did not know for sure.

ECKERT accompanied KANG to the Nuclear Medicine Department laboratory and could not locate the sources. KANG called Radiation Therapy and they said they did not have the needles. ECKERT told KANG that if the inventories were completed, he should know where the items are located. KANG could not respond.

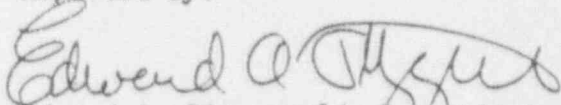
NOTE: Dr. FLESH called ECKERT on Friday, November 23, 1990, and said that the needles were located in Room 621D.

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ECKERT stated that based on the discussion and record reviews conducted that it was obvious that the inventories were not conducted and that some sources were not located.


ECKERT further stated that the VAMC license listed KANG as the RSO on the record but that VAMC submitted a request for ZHANG to be the RSO but Region 1 NRC determined that ZHANG did not meet the basic requirements

Reported by:


Edward A. Fitzgerald, Investigator
Office of Investigations
Field Office, Region 1

Reviewed by:

Date:


1/15/91

REPORT OF INTERVIEW
WITH
JOHN A. DAPOLITO

On Wednesday, December 12, 1990, John A. DAPOLITO, Self Employed Consultant to Veterans Administration Medical Center (VAMC), Albany, New York, was interviewed by OI Investigator Edward A. Fitzgerald at the VAMC, Albany, New York.

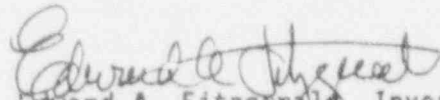
DAPOLITO advised that he was hired by VAMC as a consultant for Radiation Safety on November 26, 1990. He stated that he was born on September 15, 1935, his Social Security Number is 115-28-0221, and resides at 2 Sheppard Avenue, Albany, New York 12203, telephone number is (518) 456-2626.

DAPOLITO said that he was hired as an consultant immediately after an NRC inspection during which violations were noted. He stated he was informed by Dr. FLESH, Chief of Staff at VAMC, that the NRC found a violation with the sealed source inventory and that his first priority was to conduct an inventory to be completed by December 7, 1990. Further, DAPOLITO was also asked to prepare and submit the safety audit as required.

DAPOLITO said that he conducted the sealed source inventory in which he said that each and every source on record was located and reported. DAPOLITO also stated that he was also assisting and arranging for an adequate training program for technicians.

DAPOLITO relates that he is a certified health physicist, formerly a Director of Radiation Safety at the Albany Medical Center Hospital (private hospital) and held the position as Manager of Health and Safety for New York State Energy, Research, and Development Authority's Low Level Radioactive Waste Facility.

Reported by:


Edward A. Fitzgerald, Investigator
Office of Investigations
Field Office, Region I

Reviewed by: 

Date: 12/12/90