NOTICE OF VIOLATION

V. A. Medical Center
Milwaukee, Wisconsin

License No. 48-02130-02
Docket No. 030-03427

During an NRC inspection conducted on August 26-28, 1996, with continued NRC in-office review through October 2, 1996, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600 (60 FR 34381; June 30, 1995), the violations are listed below:

1. 10 CFR 20.1801 requires that the licensee secure from unauthorized removal or access licensed materials that are stored in unrestricted areas. 10 CFR 20.1802 requires that the licensee control and maintain constant surveillance of licensed material that is in an unrestricted area and that is not in storage. As defined in 10 CFR 20.1003, *unrestricted area* means an area, access to which is neither limited nor controlled by the licensee.

   Contrary to the above, on August 27, 1996, the licensee did not secure from unauthorized removal or limit access to 40.8 microcuries of phosphorus-32 located in room 70C-236, an unrestricted area, nor did the licensee control and maintain constant surveillance of this licensed material.

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

2. 10 CFR 20.1501 requires that each licensee make or cause to be made surveys that may be necessary for the licensee to comply with the regulations in Part 20 and that are reasonable under the circumstances to evaluate the extent of radiation levels, concentrations or quantities of radioactive materials, and the potential radiological hazards that could be present.

   Pursuant to 10 CFR 20.1003, *survey* means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of radioactive material or other sources of radiation.

   Contrary to the above, as of August 27, 1996, the licensee's removable contamination survey samples obtained from room 70D-100 were analyzed with a Packard sodium iodide well counter, an instrument incapable of detecting low energy beta emitters that were stored in the area. Additionally, as of August 27, 1996, the licensee failed to evaluate its sewer effluent to determine if it was water soluble or biological dispersible.

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

3. Condition 18 of License No. 48-02130-01 requires that licensed material be possessed and used in accordance with statements and representations contained in an application dated November 5, 1987, and letters dated April 15, 1992, May 11, 1992, August 19, 1992, September 27, 1993, and July 19, 1996.

   Item 10.13.1 of the application dated November 5, 1987, requires, in part, that air contamination monitors used to test noble gas trap effluents be checked regularly according to the manufacturer's instructions.

   Contrary to the above, the licensee used a reusable collection system for radioactive xenon-133 gas and did not regularly check the operation of the air contamination monitor used to test the trap effluent. Specifically, the licensee failed to check its Rad-X Xenalarm effluent monitor for proper operation from April 24, 1994 to August 27, 1996, and it relied on the monitor to perform checks of the operation of the reusable collection system for radioactive xenon-133 gas.

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

4. 10 CFR 35.59(g) requires, in part, that a licensee in possession of a sealed source or brachytherapy source conduct a quarterly physical inventory of all such sources in its possession.

   Contrary to the above, the licensee did not conduct a physical inventory of five sealed sources on a quarterly basis. Specifically, three anatomical marker sources each containing about 12 millicuries of americium-241 were not inventoried from December 29, 1994 to June 18, 1996. One anatomical marker source containing about 12 millicuries of americium-241 was not inventoried from December 29, 1994 to August 26, 1996. Additionally, a reference source containing a nominal activity of 205 microcuries of cesium-137 was not inventoried from June 29, 1995 to August 26, 1996.

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

5. 10 CFR 35.315(a)(7) requires that, for each patient receiving radiopharmaceutical therapy and hospitalized for compliance with 10 CFR 35.75, a licensee survey the patient's room and private sanitary facility for removable contamination with a radiation detection survey instrument before assigning another patient to the room. The room must not be reassigned until removable contamination is less than 200 disintegrations per minute per 100 square centimeters.

   Contrary to the above, on August 21, 1996, the licensee did not conduct surveys for removable contamination before assigning a new patient to room C-837, a room where a patient had received radiopharmaceutical therapy and had been hospitalized for compliance with 10 CFR 35.75.

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

6. 10 CFR 35.60(c) requires, in part, that a licensee require each individual who prepares a radiopharmaceutical kit to use a syringe radiation shield when preparing the kit.

Contrary to the above, on August 27, 1996, while preparing a radiopharmaceutical kit, the licensee's nuclear medicine technologist did not use a syringe radiation shield for a syringe containing technetium-99m labeled macroaggregated albumin.

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

Pursuant to the provisions of 10 CFR 2.201, V. A. 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 III, 801 Warrenville Road, Lisle, Illinois 60532-4351 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.

Dated at Lisle, Illinois
this 18 day of October 1996