

October 23, 1996

Docket No. 030-01868  
EA No. 96-398

License No. 20-03857-06

Ms. Mary Schneider  
Administrative Director, Radiology  
New England Medical Center  
171 Harrison Avenue  
Boston, Massachusetts 02111

SUBJECT: NRC INSPECTION REPORT NO. 030-01868/96-002

Dear Ms. Schneider:

This refers to the inspection conducted on September 24 and 25, 1996, at the New England Medical Center (NEMC) and the Department of Veterans Affairs Medical Center (DVAMC), Boston, Massachusetts. The inspection was limited to an examination of the circumstances involving the receipt of a package containing NRC-licensed radioactive material by the NEMC staff and transportation of this package by taxi to the DVAMC. The purpose of the inspection was to determine whether activities authorized by the license were conducted safely and in accordance with NRC requirements. At the conclusion of the inspection, the findings were discussed with you and those members of your staff identified in the enclosed report (Enclosure 1). The inspector also conducted several telephone interviews with Red Cab Company management and a driver.

Areas examined during the inspection are identified in the report. Within these areas, the inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observation of activities in progress.

Based on the results of this inspection, two apparent violations were identified at the NEMC and are being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG 1600 (Enclosure 2). The violations involve the failure to adequately survey a radioactive package prior to shipment from NEMC to DVAMC, and subsequent preparation and shipment of the package, which exceeded the Department of Transportation's limit of 200 millirem per hour at a point on the surface of the package. Accordingly, no Notice of Violation is presently being issued for these inspection findings. In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review.

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New England Medical Center

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A predecisional enforcement conference to discuss these apparent violations has been scheduled for November 7, 1996 at 1:00 P.M. in the Region I Office, King of Prussia, PA. Directions to the Region I Office are enclosed (Enclosure 3). The decision to hold a predecisional enforcement conference does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference is being held to obtain information to enable the NRC to make an enforcement decision, such as a common understanding of the facts, root causes, missed opportunities to identify the apparent violation sooner, corrective actions, significance of the issues and the need for lasting and effective corrective action. In addition, this is an opportunity for you to point out any errors in our inspection report and for you to provide any information concerning your perspectives on 1) the severity of the violations, 2) the application of the factors that the NRC considers when it determines the amount of a civil penalty that may be assessed in accordance with Section VI.B.2 of the Enforcement Policy, and 3) any other application of the Enforcement Policy to this case, including the exercise of discretion in accordance with Section VII. This conference will be open to public observation in accordance with the Commission's continuing trial program as discussed in the enclosed excerpt from the Enforcement Policy. Although not required, we encourage you to provide your comments on how you believe holding this conference open to public observation affected your presentation and your communications with the NRC.

You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding these apparent violations is required at this time.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

Sincerely,

**Original Signed By:**  
**Charles W. Hehl**

Charles W. Hehl, Director  
Division of Nuclear Materials Safety

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Enclosures:

1. Inspection Report No. 030-01868/96-002
2. NUREG 1600 (Enforcement Policy)
3. Directions to Region I Office

cc w/enclosures:  
Francis X. Masse, Radiation Safety Officer  
Commonwealth of Massachusetts

M. Schneider  
New England Medical Center

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Distribution: w/enclosure 1

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