

ENCLOSURE 1

NOTICE OF VIOLATION

Mr. Michael Muszynski
[HOME ADDRESS DELETED
UNDER 10 CFR 2.790]

IA 96-067

During an NRC investigation by the NRC Office of Investigations (OI), conducted on April 12, 1996, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 30.10(a)(2) requires, in part, that any employee of a licensee may not deliberately submit to the licensee information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the NRC.

10 CFR 30.9(a) states, in part, that information required by the Commission's regulations to be maintained by the licensee shall be complete and accurate in all material respects.

10 CFR 35.50 requires, in part, that each licensee shall check each dose calibrator for constancy with a dedicated check source at the beginning of each day of use and that the licensee retain a record of each check required by 10 CFR 35.50 for three years unless directed otherwise.

Contrary to the above, on November 29, 1995, Michael Muszynski, an employee of New Britain General Hospital, a licensee of the NRC, deliberately submitted to the licensee information that he knew to be incomplete or inaccurate in some respect material to the NRC. Specifically, Mr. Muszynski recorded on the licensee's dose calibrator constancy record that the readings obtained by him on the barium and cesium settings were approximately 5% lower than they should have been. This information was inaccurate because, based on the dose calibrator accuracy test and adjustment performed by the Radiation Safety Officer (RSO) on November 28, 1995, the settings had been increased by 5% on that date and, therefore, the test results recorded by Mr. Muszynski on November 29, 1995, should have been approximately 5% higher. This information was material because it was required to be maintained by NRC regulations. (01013)

This is a Severity Level III violation (Supplement VII).

Pursuant to the provisions of 10 CFR 2.201, you are 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 you should not be prohibited from involvement in NRC licensed activities, 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.

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.

Dated at King of Prussia, Pennsylvania
this 20th day of December 1996