

SUMMARY OF LEVEL I AND II ENFORCEMENT ACTIONS FOR CALENDAR YEAR 2010

No Severity Level (SL) I violations were issued in calendar year (CY) 2010.

**U.S. Department of Veteran Affairs
Washington, D.C.
EA-09-038
Docket No. 030-34325**

Severity Level II

On March 17, 2010, the U.S. Nuclear Regulatory Commission (NRC) issued a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$227,500 to the U.S. Department of Veterans Affairs for violations related to activities at the Philadelphia Veterans Affairs Medical Center. The following violations were identified: (1) Two Severity Level (II) II violations of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 35.41(a)(2) (i.e., one SL II violation issued with civil penalty and without civil penalty) for failure to develop, implement, and maintain written procedures to provide high confidence that each administration is in accordance with the written directive, resulting in a total of 74 prostate brachytherapy treatments where the administered radiation dose was not in accordance with the written directive; (2) SL II violation of 10 CFR 35.41(b)(2) for failure to have procedures that addressed verifying that the administration was in accordance with the applicable treatment plan and written directive, which resulted in the licensee administering at least 16 prostate brachytherapy treatments without performing post-treatment verifications until a prolonged period of time had passed; (3) SL III violation of 10 CFR 35.41(b)(2) related to the licensee's failure to identify that the treatment plan for a brachytherapy treatment differed from the written directive, resulting in the wrong activity of seeds being ordered and administered; (4) SL III problem involving violations of 10 CFR 35.27(a)(1) and 19.12(a)(4) for failing to instruct individuals about procedures, 10 CFR Part 35 and licensing requirements, and prompt reporting of conditions that resulted in the failure to instruct two medical physicists in the requirements for identifying and reporting medical events (10 CFR 35.2 and 35.3045) and failure to instruct an authorized user physician of his responsibility to report to the licensee any condition that may lead to or cause a violation; (5) SL III violation of 10 CFR 35.3045(c) for failure to report to the NRC Operations Center no later than the next calendar day when the licensee had information that medical events occurred between November 15, 2004, and May 12, 2008; and (6) two SL IV violations.

**Basin Electric Power Cooperative
Wheatland, Wyoming
EA-09-258
Docket No. 030-14682**

Severity Level II

On August 26, 2010, the NRC issued a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$24,700 to Basin Electric Power Cooperative. The violations involved: (1) SL II violation of 10 CFR 20.1301(a)(1) for failure to limit radiation exposure to members of the public to less than 100 millirem in a year, resulting in six members of the public received doses in excess of 100 millirem; (2) SL III violation of 10 CFR 20.1902(e) for failure to conspicuously post caution signs with the words "CAUTION, RADIOACTIVE MATERIAL(S)" or "DANGER RADIOACTIVE MATERIAL(S)" in areas where nuclear gauges were used; (3) SL III violation of 10 CFR 30.50(b)(4) for failure to notify the NRC within 24 hours after the discovery of an unplanned fire on March 8, 2007, that damaged the integrity of a licensed device; and (4) SL III violation of License Condition 21 of Amendment 10 to NRC Materials License 33-18224-01 for failure to close and lock the nuclear gauge shutters after

Enclosure 2

plant operations had stopped and prior to allowing welders to begin work, resulting in welders exposed to the direct radiation beam from these nuclear gauges.