



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005**

December 13, 2004

Mr. Robert F. Valliant
Administrator
Bartlett Regional Hospital
3260 Hospital Drive
Juneau, Alaska 99801

SUBJECT: NRC INSPECTION REPORT 030-13158/04-001 AND NOTICE OF VIOLATION

Dear Mr. Valliant:

This letter and the enclosed Notice of Violation (Notice) refers to the inspection conducted on June 21, 2004, at your facility located at 3260 Hospital Drive, Juneau, Alaska. Preliminary inspection findings were discussed with you and Dr. Gordon T. Blair at the conclusion of the onsite inspection. The inspection results were also discussed with you and Dr. Blair during final telephonic exit briefings conducted on December 2, 2004.

The inspection was an examination of activities conducted under your license as they relate to radiation safety and to compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selective examinations of procedures and representative records, independent measurements, interviews with personnel, and observation of activities in progress.

Based on the results of this inspection, the NRC has determined that three Severity Level IV violations of NRC requirements occurred. These violations were evaluated in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600 (enclosed). The violations are cited in the enclosed Notice and the circumstances surrounding them are described in detail. These violations are being cited in the Notice because they were identified by the NRC during the inspection. Also note that a previous violation issued for activities at your facility (NRC Inspection Report 030-13158/2000-001) was found to be corrected and is considered closed.

These violations appear to indicate a lack of management oversight of your radiation safety program, and a lack of understanding of regulatory requirements. In particular, one of the violations was identified as a "comment and recommendation" during an internal audit of your radiation safety program but was not acted upon or otherwise corrected. The NRC expects licensees to assure compliance with the conditions of the license and applicable NRC requirements. The NRC's Enforcement Policy provides incentives for licensees to identify and correct violations of regulatory requirements. In this regard, we encourage you to review your internal audit program to ensure it encompasses all aspects of your radiation safety program and is of sufficient detail to self-identify and correct items of noncompliance.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. For your consideration and convenience, an excerpt from NRC Information Notice 96-28, "SUGGESTED GUIDANCE RELATING TO DEVELOPMENT AND IMPLEMENTATION OF CORRECTIVE ACTION," is enclosed. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, Enclosure 1, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/Adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction.

Please note that on October 25, 2004, the NRC suspended public access to ADAMS, and initiated an additional security review of publicly available documents to ensure that potentially sensitive information is removed from the ADAMS database accessible through the NRC's web site. Interested members of the public may obtain copies of the referenced documents for review and/or copying by contacting the Public Document Room pending resumption of public access to ADAMS. The NRC Public Document Room is located at NRC Headquarters in Rockville, MD, and can be contacted at 800-397-4209 or 301-415-4737 or pdr@nrc.gov.

Should you have any questions concerning this inspection or the enclosed report, please contact Dr. Janine F. Katanic at (817) 860-8151 or the undersigned at (817) 860-8287.

Sincerely,

/RA RABrown for/

Mark R. Shaffer, Chief
Nuclear Materials Inspection Branch

Docket No.: 030-13158
License No.: 50-17686-01

Enclosures:

1. Notice of Violation
2. NRC Information Notice 96-28
3. NRC Enforcement Policy, NUREG-1600

cc w/Enclosure 1:
Alaska Radiation Control Program Director

bcc w/Enclosure 1 (via ADAMS distrib):

MASatorius

MRShaffer

JEWhitten

JFKatanic

HAFreeman

KEGardin

NMIB

RIV Materials Docket File (5th floor)

ADAMS: ☐ Yes ☒ No Initials: JFK

☐ Publicly Available ☒ Non-Publicly Available ☒ Sensitive ☐ Non-Sensitive

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ENCLOSURE 1

NOTICE OF VIOLATION

Bartlett Regional Hospital
Juneau, Alaska

Docket No. 030-13158
License No. 50-17686-01

During an NRC inspection conducted on June 21, 2004, three violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

- A. 10 CFR 20.2104(a) requires, in part, that for each individual who is likely to receive in a year, an occupational dose requiring monitoring pursuant to 10 CFR 20.1502, the licensee shall: (1) determine the occupational radiation dose received during the current year, and (2) attempt to obtain the records of cumulative occupational radiation dose.

Contrary to the above, from November 2003 to June 2004, the licensee employed several temporary nuclear medicine technologists who were likely to receive in a year an occupational radiation dose requiring monitoring pursuant to 10 CFR 20.1502, and the licensee either: 1) failed to determine the individual's occupational dose received during the current year; or 2) made no attempt to obtain the records of the individual's cumulative occupational radiation dose.

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

- B. License Condition 14 of Byproduct Materials License 50-17686-01, Amendment No. 20, requires, in part, that the licensee shall conduct its program in accordance with License Application dated January 25, 1994. Item 9.4 of that application states, in part, that the licensee will follow the model procedure for personnel external monitoring contained in Appendix D to Regulatory Guide 10.8, Revision 2.

Item 1 of the model procedure in Appendix D to Regulatory Guide 10.8, Revision 2, states, in part, that the Radiation Safety Officer (RSO) will promptly review all exposure reports. Item 2 of the model procedure states, in part, that all individuals who are occupationally exposed to ionizing radiation on a regular basis will be issued a whole body monitor that will be processed on a monthly basis. Item 3 of the model procedure states, in part, that all individuals who, on a regular basis, handle radioactive material will be issued an extremity monitor that will be processed on a monthly basis.

Contrary to the above, in several instances in 2004, the licensee employed temporary nuclear medicine technologists who handled radioactive material and were occupationally exposed to ionizing radiation on a regular basis, and the licensee either: 1) failed to issue the individuals whole body and extremity monitors; or 2) failed to have the RSO review their exposure reports.

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

- C. License Condition 14 of Byproduct Materials License 50-17686-01, Amendment No. 20, requires, in part, that the licensee shall conduct its program in accordance with letter dated December 29, 2000. Item 2 of that letter states, in part, that those individuals who work in the vicinity of licensed material and in the course of employment are likely to receive in a year an occupational dose of radiation over 100 millirem will be provided training in accordance with Appendix A to Regulatory Guide 10.8, Revision 2. Appendix A to Regulatory Guide 10.8 states, in part, that personnel will be instructed before assuming duties with, or in the vicinity of, radioactive materials. Appendix A further states, in part, that the instruction include the following subjects: applicable regulations and license conditions, each individual's obligation to report unsafe conditions to the RSO, appropriate response to emergencies or unsafe conditions, and the worker's right to be informed of occupational radiation exposure.

Contrary to the above, from November 3, 2003, to June 21, 2004, the licensee employed at least one temporary nuclear medicine technologist who was likely to receive in a year an occupational dose of radiation over 100 millirem, and the training provided to the individual did not include: applicable regulations and license conditions, each individual's obligation to report unsafe conditions to the RSO, appropriate response to emergencies or unsafe conditions, and the worker's right to be informed of occupational radiation exposure.

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

Pursuant to the provisions of 10 CFR 2.201, Bartlett Regional Hospital is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator, Region IV, at 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, 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 or severity level, (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.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>, to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your

response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

Please note that on October 25, 2004, the NRC suspended public access to ADAMS, and initiated an additional security review of publicly available documents to ensure that potentially sensitive information is removed from the ADAMS database accessible through the NRC's web site. Interested members of the public may obtain copies of the referenced documents for review and/or copying by contacting the Public Document Room pending resumption of public access to ADAMS. The NRC Public Document Room is located at NRC Headquarters in Rockville, MD, and can be contacted at 800-397-4209 or 301-415-4737 or pdr@nrc.gov.

In accordance with 10 CFR 19.11, you are required to post this Notice within two working days.

Dated this 13th day of December 2004