



~~OFFICIAL USE ONLY - SECURITY-RELATED INFORMATION~~

UNITED STATES

NUCLEAR REGULATORY COMMISSION

REGION III

2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352

July 10, 2012

John Sutkowski, M.D.
Radiation Safety Officer
Deaconess Hospital
c/o Midwest Radiologic Imaging
4087 Gateway Boulevard
Newburgh, IN 4763

**SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03018424/12-001(DNMS) AND
NOTICE OF VIOLATION**

Dear Dr. Sutkowski:

This refers to the inspection conducted June 13-15, 2012, at your facilities located at 600 Mary Street and 421 Chestnut Street, Evansville, Indiana, and at 4055 Gateway Boulevard, Newburgh, Indiana. The purpose of the inspection was to review activities performed under your U.S. Nuclear Regulatory Commission (NRC) license to ensure that activities were being performed in accordance with NRC requirements. An exit meeting was held with you and other members of the hospital's staff at the end of on-site activities on June 15, 2012.

During this inspection, the NRC staff examined activities conducted under your license related to public health and safety. Additionally, the staff examined your compliance with the Commission's rules, regulations, and orders as well as the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on the results of this inspection, the NRC has determined that two Severity Level IV violations of NRC requirements occurred. These violations were evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at (<http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>). The security related violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in detail in the enclosed addendum to this letter. The violations are being cited in the Notice because they were inspector identified.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The guidance in NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be helpful. You can find the information notice on the NRC website at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>. If you

Enclosures Contain Sensitive Unclassified Non-Safeguards Information. When separated from enclosures, this transmittal letter is decontrolled

~~OFFICIAL USE ONLY - SECURITY-RELATED INFORMATION~~

J. Sutkowski

- 2 -

have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

Because these issues involve Security-Related Information, your response will not be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. If Safeguards Information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

The material enclosed herein contains security-related information; its disclosure to unauthorized individuals could present a security vulnerability. Therefore, the enclosures will not be made available electronically for public inspection in the NRC Public Document Room or from the NRC's ADAMS. The enclosures to this letter must be protected from unauthorized disclosure as discussed in Regulatory Information Summary RIS-2005-031, "Control of Security-Related Sensitive Unclassified Non-Safeguards Information" (see ADAMS ML053480073), which is available on the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Additionally, please mark your entire response as "Security-Related Information – Withhold from Public Disclosure under 10 CFR 2.390." In accordance with Title 10 of the Code of Federal Regulations 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for a response to the Severity Level IV violations. However, to the extent possible, any response should not include any personal privacy, proprietary, or Safeguards Information.

Sincerely,

/RA by Aaron T. McCraw Acting for/

Hironori Peterson, Acting Chief
Materials Inspection Branch

Docket No.030-01580
License No. 13-00142-02

Enclosures:
Notice of Violation (non-public)
Security addendum (non-public)

cc w/encls: Phillip Gamble, Manager Laboratory

~~OFFICIAL USE ONLY - SECURITY-RELATED INFORMATION~~

have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

Because these issues involve Security-Related Information, your response will not be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. If Safeguards Information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

The material enclosed herein contains security-related information; its disclosure to unauthorized individuals could present a security vulnerability. Therefore, the enclosures will not be made available electronically for public inspection in the NRC Public Document Room or from the NRC's ADAMS. The enclosures to this letter must be protected from unauthorized disclosure as discussed in Regulatory Information Summary RIS-2005-031, "Control of Security-Related Sensitive Unclassified Non-Safeguards Information" (see ADAMS ML053480073), which is available on the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Additionally, please mark your entire response as "Security-Related Information - Withhold from Public Disclosure under 10 CFR 2.390." In accordance with Title 10 of the Code of Federal Regulations 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for a response to the Severity Level IV violations. However, to the extent possible, any response should not include any personal privacy, proprietary, or Safeguards Information.

Sincerely,

/RA by Aaron T. McCraw Acting for/

Hironori Peterson, Acting Chief
Materials Inspection Branch

Docket No.030-01580
License No. 13-00142-02

Enclosures:
Notice of Violation (non-public)
Security addendum (non-public)

cc w/encls: Phillip Gamble, Manager Laboratory

DISTRIBUTION w/encls:

Cynthia Pederson
Anne Boland
Patricia Pelke

Steven Orth
Carole Ariano
Paul Pelke

Patricia Buckley
Tammy Tomczak
MIB Inspectors

*See previous concurrence

ADAMS Accession Number:

DOCUMENT NAME: G:\DNMS\III\Work in progress\LTR - Deaconess Hosp ltr and NOV IC vio rev 1\CoverLtr.docx

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

To receive a copy of this document, indicate in the concurrence box "C" = Copy without attach/encl "E" = Copy with attach/encl "N" = No copy

OFFICE	RIII		RIII		RIII		RIII	
NAME	KJLambert:jc*KJL		HPeterson*ATM for					
DATE	07/06/12		07/10/2012					

OFFICIAL RECORD COPY

~~OFFICIAL USE ONLY - SECURITY-RELATED INFORMATION~~

OFFICIAL USE ONLY — SECURITY-RELATED INFORMATION

have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

Because these issues involve Security-Related Information, your response will not be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. If Safeguards Information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

The material enclosed herein contains security-related information; its disclosure to unauthorized individuals could present a security vulnerability. Therefore, the enclosures will not be made available electronically for public inspection in the NRC Public Document Room or from the NRC's ADAMS. The enclosures to this letter must be protected from unauthorized disclosure as discussed in Regulatory Information Summary RIS-2005-031, "Control of Security-Related Sensitive Unclassified Non-Safeguards Information" (see ADAMS ML053480073), which is available on the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Additionally, please mark your entire response as "Security-Related Information – Withhold from Public Disclosure under 10 CFR 2.390." In accordance with Title 10 of the Code of Federal Regulations 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for a response to the Severity Level IV violations. However, to the extent possible, any response should not include any personal privacy, proprietary, or Safeguards Information.

Sincerely,

/RA by Aaron T. McCraw Acting for/

Hironori Peterson, Acting Chief
Materials Inspection Branch

Docket No.030-01580
License No. 13-00142-02

Enclosures:
Notice of Violation (non-public)
Security addendum (non-public)

cc w/encls: Phillip Gamble, Manager Laboratory

DISTRIBUTION w/encls:

Cynthia Pederson
Anne Boland
Patricia Pelke

Steven Orth
Carole Ariano
Paul Pelke

Patricia Buckley
Tammy Tomczak
MIB Inspectors

*See previous concurrence

ADAMS Accession Number:

DOCUMENT NAME: G:\DNMS\II\Work in progress\LTR - Deaconess Hosp ltr and NOV IC vto rev 1CoverLtr.docx

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

To receive a copy of this document, indicate in the concurrence box "C" = Copy without attach/encl "E" = Copy with attach/encl "N" = No copy

OFFICE	RIII	RIII	RIII	RIII
NAME	KJLambert:jc*KJL	HPeterson*ATM for		
DATE	07/06/12	07/10/2012		

OFFICIAL RECORD COPY

OFFICIAL USE ONLY — SECURITY-RELATED INFORMATION