



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION IV  
1600 E. LAMAR BLVD  
ARLINGTON, TX 76011-4511

April 27, 2016

EA-15-259

Ms. Kari L. Cann  
Radiation Safety Officer  
Bozeman Deaconess Health Services  
dba Bozeman Deaconess Hospital  
915 Highland Boulevard  
Bozeman, MT 59715

SUBJECT: NRC INSPECTION REPORT 030-33305/2015-001 AND NOTICE OF VIOLATION

Dear Ms. Cann:

This letter refers to the routine, unannounced inspection conducted on September 1, 2015, at your facility located in Bozeman, Montana, with continued in-office review through April 17, 2016. The purpose of the inspection was to review activities conducted under your license as they relate to safety and compliance with the Commission's rules, regulations, and with the conditions of your license. Within these areas, the inspection consisted of a selected examination of procedures and representative records, observations of activities, independent radiation measurements, and interviews with personnel. On September 1, 2015, at the conclusion of the onsite portion of the inspection, the inspectors discussed the preliminary inspection findings with you. A final exit briefing was conducted telephonically with you and Bozeman Deaconess Hospital management on April 13, 2016.

Based on the results of this inspection, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. The violation was 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 violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the subject inspection report. The violation is being cited in the Notice because the NRC identified the violation during the inspection. The violation involved a failure to adequately lock and secure a high-dose rate (HDR) remote afterloader brachytherapy unit within a treatment room when the unit was not in use or unattended.

The NRC has concluded that information regarding: (1) the reason for the violation; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in your letter dated December 14, 2015 (ML15362A661). Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In addition, as a result of the information developed during the inspection, the NRC closed a violation described in NRC Inspection Report 030-33305/2013-001 and Notice of Violation dated June 17, 2014 (ML14168A570). The violation involved the failure to perform a radiation survey of a patient and an HDR remote afterloader unit after the patient received a brachytherapy treatment. Further, the NRC verified your compliance with items 2 and 3 of a confirmatory order issued to Bozeman Deaconess Hospital on July 8, 2011 (ML11189A229).

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room and in 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>. To the extent possible, your response should not include any personal privacy or proprietary, or safeguards information so that it can be made available to the Public without redaction.

If you have any questions concerning this matter, please contact me at 817-200-1191.

Sincerely,

***/RA By JL Thompson Acting For/***

Ray L. Kellar, P.E., Chief  
Nuclear Materials Inspection Branch A  
Division of Nuclear Materials Safety

Docket No: 030-33305  
License No: 25-10994-04

Enclosure: Notice of Violation

cc: Mr. Roy Kemp, Director  
Quality Assurance Division  
P.O. Box 202953  
Helena, MT 59620-2953

In addition, as a result of the information developed during the inspection, the NRC closed a violation described in NRC Inspection Report 030-33305/2013-001 and Notice of Violation dated June 17, 2014 (ML14168A570). The violation involved the failure to perform a radiation survey of a patient and an HDR remote afterloader unit after the patient received an HDR brachytherapy treatment. Further, the NRC verified your compliance with items 2 and 3 of a confirmatory order issued to Bozeman Deaconess Hospital on July 8, 2011 (ML11189A229).

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If you have any questions concerning this matter, please contact me at 817-200-1191.

Sincerely,

**/RA By JLTompson Acting For/**

Ray L. Kellar, P.E., Chief  
Nuclear Materials Inspection Branch A  
Division of Nuclear Materials Safety

Docket No: 030-33305  
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Quality Assurance Division  
P.O. Box 202953  
Helena, MT 59620-2953

**DISTRIBUTION:**

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OFFICE	NMSB-A	NMSB-A	C:ACES	C:NMSB-A		
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DATE	04/13/16	04/13/16	04/26/16	04/27/16		

OFFICIAL RECORD COPY

## NOTICE OF VIOLATION

Bozeman Deaconess Health Services  
dba Bozeman Deaconess Hospital  
Bozeman, Montana

Docket No: 030-33305  
License No: 25-10994-04  
EA-15-259

During an Nuclear Regulatory Commission (NRC) inspection conducted on September 1, 2015, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 35.610 (a) requires, in part, that each licensee shall secure the unit, the console, the console keys and the treatment room when not in use or unattended.

Contrary to the above, on September 1, 2015, the licensee failed to secure the unit, the console, the console keys, and the treatment room when not in use or unattended. Specifically, the licensee failed to secure the high-dose rate (HDR) remote afterloader brachytherapy unit when it was not in use and unattended in a treatment vault. The HDR unit was in a closet with bi-fold doors. One of the bi-fold doors had a visible lock on the outside and was locked, the other bi-fold door was not locked. However, access to the treatment area was controlled by licensee staff who work in areas immediately adjacent to the vault entrance, the treatment area was appropriately posted, and the device was appropriately labelled. In addition, the licensee had a functional program in place to protect the licensed material that included security walk-downs of the area, which is locked after hours, limited access to the radiation oncology area to staff with keycards, and staff training.

This is a Severity Level IV violation (Section 6.7).

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in NRC Inspection Report 030-33305/2015-001 and your letter dated December 14, 2015 (ML15362A661). However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a Reply to a Notice of Violation, EA-15-259, and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region IV, 1600 East Lamar Blvd., Arlington, Texas 76011-4511 within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

Enclosure

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or in 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>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

In accordance with 10 CFR 19.11, you may be required to post this Notice within 2 working days of receipt.

Dated this 27th day of April 2016