

Docket: 30-11841  
License: 25-16906-01  
EA 85-58

Frances Mahon Deaconess Hospital  
ATTN: Kyle Hopstead, Administrator  
621 Third Street South  
Glasgow, Montana 59230

Gentlemen:

Subject: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTIES  
(NRC INSPECTION REPORT NO. 30-11841/85-01)

This refers to the routine unannounced radiation safety inspection conducted on April 17, 1985, at the Frances Mahon Deaconess Hospital, Glasgow, Montana. The violations identified by Mr. C. A. Hooker of this office were discussed with you and members of your staff at the conclusion of the inspection. This also refers to your letter of April 17, 1985, wherein you agreed to place the licensed material in storage until such time as you have an approved authorized user listed on your NRC license. An Enforcement Conference was held by telephone on May 3, 1985, with you and members of your staff, and the Region IV staff to discuss the violations identified during the NRC inspection.

During this inspection certain of your activities were found not to be conducted in full compliance with NRC requirements. The violations, which occurred during the period of February 25, 1981 to April 17, 1985 and were identified by the NRC inspector, are described in the enclosed Notice. The use of radioisotopes by a person not authorized by your license is of significant concern to the NRC. Your continued use of materials under an unauthorized user's supervision while your amendment was pending was in careless disregard for license requirements.

To emphasize the importance of compliance with NRC requirements, I have been authorized, after consultation with the Director, Office of Inspection and Enforcement, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty in the amount of Two Thousand Five Hundred Dollars (\$2500) for the violations described in the enclosed Notice. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1985) (Enforcement Policy), the violations described in the enclosed Notice have been categorized in the aggregate as a Severity Level III problem. These violations would normally be categorized as Severity

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Level IV violations. However, in view of your continued use of materials after you recognized that a license amendment was required, the Severity Level has been escalated to Severity Level III. The base value of a civil penalty for a Severity Level III problem is \$2500. The escalation and mitigation factors in the Enforcement Policy were considered and no adjustment has been deemed appropriate.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Also in your response you should address what actions you have taken, or plan to take, to improve your management controls over your licensed program. After reviewing your response to this Notice, including your proposed corrective actions, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and the enclosure will be placed in the NRC's Public Document Room.

The responses directed by this letter and accompanying Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1970, PL 96-511.

Sincerely,

ORIGINAL SIGNED BY  
ROBERT D. MARTIN

Robert D. Martin  
Regional Administrator

Enclosure:  
Notice of Violation and  
Proposed Imposition of Civil Penalties

cc:  
State of Montana, Dept. of Health and  
Environmental Sciences  
Occupational Health Bureau

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