

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTIES

Frances Mahon Deaconess Hospital
621 Third Street South
Glasgow, Montana 59230

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

During an NRC inspection conducted April 17, 1985, a number of violations were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1985), the Nuclear Regulatory Commission proposes to impose civil penalties pursuant to Section 234 of the Atomic Energy Act of 1954, as amended ("Act"), 42 U.S.C. 2282, PL 96-295, and 10 CFR 2.205. The particular violations and associated civil penalties are set forth below:

1. License Condition 12 states, in part, that licensed material is authorized for use by, or under the supervision of, specific individuals named in the license.

Contrary to this requirement, during the periods of June 1, 1984 to November 15, 1984 and November 27, 1984 to April 17, 1985, licensed material was used by, or under the supervision of, an individual who was not named in the license.

2. License Condition 16 requires, in part, that licensed activities be conducted in accordance with statements, representations, and procedures contained in the applications received February 26, 1981, and October 22, 1981. The applications state that the licensee will follow Regulatory Guide 10.8.

- a. Appendix B of Regulatory Guide 10.8 requires, in part, that the Radiation Safety Committee meet quarterly.

Contrary to this requirement, the committee conducted only two meetings during the period of April 25, 1984 to April 17, 1985.

- b. Appendix D, Section I, of Regulatory Guide 10.8 requires, in part, that survey meters be calibrated annually and records of the calibrations be maintained by the licensee.

Contrary to this requirement, a licensee's representative stated that one survey meter had not been calibrated during the period of August 1983 to February 1985, and a second survey meter had not been calibrated during the period of August 1983 to April 17, 1985. In

addition, records were not available to substantiate when any calibrations had been performed during the period February 25, 1982 to April 17, 1985.

- c. Appendix D, Section 2.A, of Regulatory Guide 10.8 states, in part, that the dose calibrator be tested daily for constancy; annually for instrument accuracy; and quarterly for instrument linearity.

Contrary to these requirements, instrument constancy tests were being conducted only at 6-month intervals, and the instrument accuracy and linearity tests had not been conducted during the period of February 25, 1982 to April 17, 1985.

3. 10 CFR 35.14(e)(1)(i) requires, in part, that each sealed calibration source containing more than 100 microcuries of byproduct material shall be tested for leakage and/or contamination at 6-month intervals.

Contrary to this requirement, leakage and/or contamination tests were not conducted on a sealed calibration source containing a nominal 200 microcuries of barium-133 during the period of May 21, 1982 to April 17, 1985.

Collectively, the violations have been categorized in the aggregate as a Severity Level III problem (Supplement VI).

Cumulative Civil Penalties - \$2500 assessed equally among the violations.

Pursuant to the provisions of 10 CFR 2.201, Frances Mahon Deaconess Hospital is hereby required to submit to the Director, Office of Inspection and Enforcement, USNRC, Washington, D.C. 20555, with a copy to the Region IV Office of the USNRC, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011, within 30 days of the date of this Notice, a written statement or explanation in reply, including: (1) admission or denial of the alleged violation; (2) the reasons for the violation if admitted; (3) the corrective steps that will be taken and the results achieved; (4) the corrective steps which will be taken to avoid further violations; and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, the Director, Office of Inspection and Enforcement, may issue an order to show cause why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, the response shall be submitted under oath or affirmation.

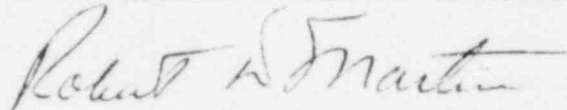
Within the same time as provided for the response required above under 10 CFR 2.201, Frances Mahon Deaconess Hospital may pay the civil penalties by letter addressed to the Director, Office of Inspection and Enforcement, with a check, draft, or money order payable to the Treasurer of the United States in the cumulative amount of Two Thousand Five Hundred dollars (\$2500) or may protest imposition of the civil penalties in whole or part by a written answer

and addressed to the Director, Office of Inspection and Enforcement. Should Frances Mahon Deaconess Hospital fail to answer within the time specified, the Director, Office of Inspection and Enforcement, will issue an order imposing the civil penalties in the amount proposed above. Should Frances Mahon Deaconess Hospital elect to file an answer in accordance with 10 CFR 2.205 protesting civil penalties, such answer may: (1) deny the violations listed in this Notice in whole or in part; (2) demonstrate extenuating circumstances; (3) show error in this Notice; or (4) show other reasons why the penalties should not be imposed. In addition to protesting the civil penalties in whole or in part, such answer may request remission or mitigation of the penalties.

In requesting mitigation of the proposed penalties, the five factors addressed in Section V.B of 10 CFR Part 2, Appendix C, should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. Frances Mahon Deaconess Hospital's attention is directed to the other provisions of 10 CFR 2.205, regarding the procedures for imposing civil penalties.

Upon failure to pay the penalties due, which have been subsequently determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalties, unless compromised, remitted, or mitigated may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282.

FOR THE NUCLEAR REGULATORY COMMISSION



Robert D. Martin
Regional Administrator

Dated at Arlington, Texas
this 24 day of June 1985