



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

511 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

January 13, 1997

EA 96-523

Mr. John Jeffries, Sr. Vice President
Kapi'olani Health Care System
1907 S. Beretania St., 5th Floor
Honolulu, Hawaii 96826

SUBJECT: NRC INSPECTION REPORT 030-31200/96-01 AND NOTICE OF VIOLATION

Dear Mr. Jeffries:

On December 9, 1996, the NRC completed a routine inspection of activities performed at Kapi'olani Health Care System's facilities. The inspection findings were discussed with you and members of your staff during a telephonic exit briefing on December 9.

Based on the results of this inspection, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice). The violation involved a failure to discard licensed material in accordance with your procedures. Specifically, procedures established for your DNA laboratory state that samples will be properly discarded as liquid or solid waste after they have been counted. However, our inspection identified a sample that was not properly discarded and was instead retained in a refrigerator in a laboratory for some period of time.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In addition, one apparent violation was identified that is being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. This violation involved failure to secure licensed material from unauthorized access as specified in your procedures. The inspector's observations regarding this issue are documented in the enclosed Inspection Report 030-31200/96-01.

The circumstances surrounding the apparent violation, the significance of the issues, and the need for lasting and effective corrective action were discussed with you and members of your staff at the conclusion of the site visit and during the December 9, 1996, exit briefing. As discussed in your letter of November 21, 1996, and by you and your staff during the December 9 briefing, Kapi'olani Health Care System has implemented corrective actions since the conclusion of the site visit. As a result, it may not be necessary to conduct a predecisional enforcement conference in order to enable the NRC to make an enforcement decision.

However, a Notice of Violation is not presently being issued for this inspection finding. Before the NRC makes its enforcement decision, we are providing you an opportunity to

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either (1) respond to the apparent violation addressed in the inspection report within 30 days of the date of this letter, or (2) request, within 7 days of the date of this letter, a predecisional enforcement conference.

Your response to the apparent violation should be clearly marked as a "Response to An Apparent Violation in Inspection Report No. 030-31200/96-01" and should include: (1) the reason for the apparent violation, or, if contested, the basis for disputing the apparent violation, (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. In presenting your corrective action, you should be aware that the promptness and comprehensiveness of your actions will be considered in assessing any civil penalty for the apparent violations. The guidance in the enclosed NRC Information Notice 96-28, "SUGGESTED GUIDANCE RELATING TO DEVELOPMENT AND IMPLEMENTATION OF CORRECTIVE ACTION," may be helpful. Your response should be submitted under oath or affirmation and may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a predecisional enforcement conference.

If you choose not to provide a response and would prefer participating in a predecisional enforcement conference, please contact Ms. Linda Howell at (817)860-8213 within 7 days of the date of this letter.

Please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

In addition, an issue involving a change made to your radiation safety program was discussed with members of your staff. The change involved discontinuing radiation safety training for housekeeping personnel assigned to clean areas where radioactive materials had been used. Although housekeeping personnel were identified as one group of your staff who would receive training prior to being assigned work in restricted areas in your license application, during the inspection your staff explained that training for housekeeping personnel had recently been discontinued. Your staff stated that based on a recommendation from your consultant, the radiation safety committee (RSC) determined that training was not required for housekeeping personnel because their duties in the nuclear medicine department would not result in doses in excess of the limits identified in 10 CFR 20.1301 for members of the general public. Your RSC determined that this change was consistent with the revision to regulations in 10 CFR Part 19 (effective August 14, 1995) and was thus consistent with the ministerial changes allowed under 10 CFR 35.31(a). Although this issue was initially identified to you as a violation during the exit briefing, we have since determined that this matter should be referred to the NRC Office of Nuclear Materials Safety and Safeguards for review. Therefore, no violation regarding this issue is being cited at this time. You will be advised by separate

correspondence of our determination on this matter. However, in the interim, you should ensure that your housekeeping staff is provided sufficient instruction to prevent inadvertent mishandling of licensed material or contaminated waste that may be stored in areas which they are assigned to clean.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response (if you choose to provide one) will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

Should you have any questions concerning this inspection, please contact Mr. Emilio Garcia at (510)975-0239 or Ms. Howell at the telephone number listed above.

Sincerely,



Ross A. Scarano, Director
Division of Nuclear Materials Safety

Docket No.: 30-31200
License No.: 53-23297-01

Enclosures:

1. Notice of Violation
2. NRC Inspection Report 30-31200/96-01
3. NRC Information Notice 96-28
4. NRC Enforcement Policy NUREG 1600

cc w/Enclosures 1 & 2:
Hawaii Radiation Control Program Director

bcc to DMB (IE07)

bcc distrib. by RIV:

LJCallan

SJCollins

JLieberman, OE (O-7H5)

DACool, NMSS (T-8F5)

LWCamper, NMSS (T-8F5)

PKHolahan, NMSS (T-8F5)

GSanborn

WLBrown

CLCain

DBSpitzberg

*LLHowell

*FAWenslawski

*EMGarcia

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