



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

June 9, 2021

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

SUBJECT: NRC INSPECTION 030-33305/2021-001 AND NOTICE OF VIOLATION

Dear Ms. Cann:

This letter refers to the remote inspection conducted from April 14, 2021, through May 19, 2021, of licensed activities performed out of your facility in Bozeman, Montana. The inspection was an examination of activities conducted under your license as they relate to public health and safety, to confirm compliance with the U.S. Nuclear Regulatory Commission's (NRC) rules, regulations, and with the conditions of your license. Within these areas, the inspection consisted of a selected examination of procedures and representative records, and interviews with personnel. The exit meeting with you was held on May 19, 2021.

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, a copy of the Policy can be found on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation involved a failure to require the use of an extremity monitoring device, a dosimetry ring badge, by an Authorized User. The violation is cited in the enclosed Notice of Violation (Notice) because it was identified by the NRC.

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 9628, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be helpful in preparing your response. You can find the Information Notice on the NRC website at: <https://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>. Information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance will be or was achieved should be addressed. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

To the extent possible, your response should not include any personal privacy or proprietary information so that it can be made available to the Public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such information, you must specifically identify the portions of your response that you seek to

have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by Title 10 of the *Code of Federal Regulations* (CFR) 2.390(b) to support a request for withholding confidential commercial or financial information).

In addition, as described in the NRC letter dated August 3, 2018, found at the NRC's Agencywide Documents Access and Management System (ADAMS) under accession number [ML18218A107](#), the two violations identified in the previous inspection, were adequately addressed by the corrective actions taken, and the violations are now considered closed.

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, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's ADAMS, accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Should you have any questions regarding this letter or the enclosed Notice, please contact Jason Dykert at 817-200-1427 or the undersigned by email at Lizette.Roldan-Otero@nrc.gov or at 817-200-1455.

Sincerely,

Lizette Roldan-Otero, Ph.D., Chief
Materials Licensing and Inspection Branch
Division of Nuclear Materials Safety

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

Enclosure:
Notice of Violation

cc w/ Enclosure:

Carter Anderson, Administrator
Montana Department of Public
Health and Human Services

SUBJECT: NRC INSPECTION 030-33305/2021-001 AND NOTICE OF VIOLATION DATED
JUNE 9, 2021

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ADAMS ACCESSION NUMBER: **ML21160A015**☒SUNSI Review:

ADAMS:

☐ Non-Publicly Available☒Non-Sensitive

Keyword:

By: JCD

☒ Publicly Available☐ Sensitive

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NAME	JDykert	LRoldan-Otero				
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DATE	05-19-21	6/08/21				

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Bozeman Health Deaconess Hospital
Bozeman, MT

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

During an NRC inspection conducted from April 14, 2021, through May 19, 2021, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

License condition 16 A. of materials license 25-10994-04 requires, in part, that licensee shall conduct its program in accordance with the statements contained in the license application. The license application states that the licensee will either: (1) perform a prospective evaluation demonstrating that unmonitored individuals are not likely to receive, in a year, a radiation dose in excess of 10 percent of the allowable limits in 10 CFR Part 20; or (2) provide dosimetry to meet applicable requirements in 10 CFR Part 20.

Contrary to the above, since January 2019, the licensee failed to perform a prospective evaluation demonstrating that unmonitored individuals were not likely to receive, in a year, a radiation dose in excess of 10 percent of the allowable limits in 10 CFR Part 20 or provide dosimetry to meet applicable requirements in 10 CFR Part 20. Specifically, the licensee failed to perform a prospective evaluation for an unmonitored authorized user's extremity dose and did not provide extremity dosimetry, as a ring badge required to be worn during fluoroscopy and therapeutic treatments using yttrium-90, to meet applicable requirements in 10 CFR Part 20.

This is a Severity Level IV violation (Section 6.3.d.3)

Pursuant to the provisions of 10 CFR 2.201, Bozeman Health Deaconess Hospital is hereby required to submit a written statement or explanation 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 E. Lamar Blvd., Arlington, Texas 76011, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include: (1) the reason for the violations, or, if contested, the basis for disputing the violation or severity level; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken; and (4) the date when full compliance will be achieved.

Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued requiring information as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Enclosure

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>. To the extent possible, your response should not include any personal privacy or proprietary information so that it can be made available to the public without redaction.

If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

Dated this 9th day of June 2021