



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

October 17, 2006

Docket No. 03008027

License No. 44-11345-02

Mary Wicker  
Vice President, Operations  
Southwestern Vermont Medical Center  
100 Hospital Drive East  
Bennington, VT 05201

SUBJECT: INSPECTION 03008027/2006001, SOUTHWESTERN VERMONT MEDICAL CENTER, BENNINGTON, VERMONT SITE AND NOTICE OF VIOLATION

Dear Ms. Wicker:

On September 6, 2006, Penny Lanzisera of this office conducted a safety inspection at the above address of activities authorized by the above listed NRC license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selected examination of representative records. Additional information provided in your correspondence dated September 7 and October 16, 2006, was also examined as part of the inspection. The findings of the inspection were discussed with you and Mr. Matthew Ratelle of your organization at the conclusion of the inspection.

Based on the results of this inspection, it appears that your activities were not conducted in full compliance with NRC requirements. A Notice of Violation is enclosed that categorizes the violation by severity level. 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 is already adequately addressed on the docket in a facsimile dated October 16, 2006. Therefore, you are not required to respond to this letter unless the description therein 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, it was noted that several cobalt-57 sources were disposed to the normal trash, since they had fully decayed. These sources are regulated by the State of Vermont. Your staff indicated that the State allows these disposals. Please note that NRC regulations require the half-life of any licensed material considered for decay-in-storage to be less than 120 days.

Current NRC regulations are included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material**; then **Toolkit Index Page**. The current Enforcement Policy is included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **What We Do, Enforcement**, then **Enforcement Policy**. Or you may obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 8:00 p.m. EST, Monday through Friday (except Federal holidays).

M. Wicker  
Southwestern Vermont Medical Center

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Your cooperation with us is appreciated.

Sincerely,

***Original signed by Pamela J. Henderson***

Pamela J. Henderson, Chief  
Medical Branch  
Division of Nuclear Materials Safety

Enclosure:  
Notice of Violation

cc:  
Matthew Ratelle, Radiation Safety Officer  
State of Vermont

Distribution:  
D. J. Holody, RI

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**SUNSI Review Complete: PLanzisera**

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## NOTICE OF VIOLATION

Southwestern Vermont Medical Center  
Bennington, VT

Docket No. 03008027  
License No. 44-11345-02

During an NRC inspection conducted on September 6, 2006, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 35.67(g) requires, in part, that a licensee in possession of a sealed source or brachytherapy source conduct a semi-annual physical inventory of all such sources in its possession.

Contrary to the above, the licensee did not conduct a physical inventory of one of its sealed sources containing 50 microcuries of cesium-137 for several years.

This is a Severity Level IV violation (Supplement VI).

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 will be achieved is already adequately addressed on the docket. 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," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

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

Dated This 17 day of October 2006