



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

October 19, 2006

Docket No. 03003289

License No. 44-10187-03

Dawn LeBaron  
Vice President, Hospital Services  
Fletcher Allen Health Care  
111 Colchester Avenue  
Burlington, VT 05401-1429

SUBJECT: INSPECTION 03003289/2006001, FLETCHER ALLEN HEALTH CARE,  
BURLINGTON, VERMONT SITE AND THE SOUTH BURLINGTON, VERMONT  
SITE, AND NOTICE OF VIOLATION

Dear Ms. LeBaron:

On September 5-6, 2006, Penny Lanzisera of this office conducted a safety inspection at the above address and 62 Tilley Drive, South Burlington, Vermont 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 October 5 and 8, 2006 was also examined as part of the inspection. The findings of the inspection were discussed with you and Ms. Marleen Moore 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 your letter dated October 5, 2006 and facsimile dated October 8, 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.

Within the scope of this inspection, two Non-Cited Violations (NCVs) of 10 CFR 35.633(b)(4) and 10 CFR 35.67(g) were also identified. Specifically, the length of source transfer tubes for use with prostate needles were not routinely measured during full calibration tests of the remote afterloader unit. In addition, the sealed source inventory did not include small activity sources containing iodine-129, strontium-90, and radium-226. These were non-repetitive, licensee-identified and corrected violations and are being treated as NCVs in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG 1600. No response is required regarding these NCVs, however, if you contest the violations or significance of the NCVs, you should follow the instructions specified in the enclosed Notice.

D. LeBaron  
Fletcher Allen Health Care

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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).

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:  
Marleen Moore, Radiation Safety Officer  
State of Vermont

Distribution:  
D. J. Holody, RI

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**SUNSI Review Complete: PLanzisera**

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OFFICE	DNMS/RI	N	DNMS/RI	N				
NAME	Planzisera/PL		Phenderson/PJH					
DATE	10/19/06		10/20/06					

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## **NOTICE OF VIOLATION**

Fletcher Allen Health Care  
Burlington, VT

Docket No. 03003289  
License No. 44-10187-03

During an NRC inspection conducted on September 5-6, 2006, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 35.633 requires, in part, that full calibration measurements on remote afterloader units include timer accuracy and linearity over the typical range of use.

Contrary to the above, as of September 5, 2006, timer linearity on the remote afterloader unit was not measured over the typical range of use. Specifically, timer linearity measurements were conducted from 5-15 seconds, however, the unit was often used up to 300 seconds.

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 19 day of October 2006