



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

November 1, 2006

Docket No. 03003013

License No. 37-01893-01

Mary N. Mannix
President
Guthrie Healthcare System and Guthrie Clinic
Guthrie Square
Sayre, PA 18840

SUBJECT: INSPECTION 03003013/2006001, GUTHRIE HEALTHCARE SYSTEM AND GUTHRIE CLINIC, SAYRE, PENNSYLVANIA SITE AND NOTICE OF VIOLATION

Dear Ms. Mannix:

On October 19 and 20, 2006, Shirley Xu 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 October 16, 19, 21, and 26, 2006 were also examined as part of the inspection. The finding of the inspection was discussed with Mr. John Nespoli, Chief Operation Officer and Dr. Durakovic, Radiation Safety Officer 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. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

Current NRC regulations are included on the NRC's website at 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; 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. Mannix
Guthrie Healthcare System and Guthrie Clinic

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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:
Asaf Durakovic, M.D., Radiation Safety Officer
Commonwealth of Pennsylvania

M. Mannix
Guthrie Healthcare System and Guthrie Clinic

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NOTICE OF VIOLATION

Guthrie Healthcare System and Guthrie Clinic
Sayre, PA

Docket No. 03003013
License No. 37-01893-01

During an NRC inspection conducted on October 19 and 20, 2006, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Condition 12 of License No. 37-01893-01 Amendment 73 requires, in part, that the licensee shall conduct its program in accordance with statements, representations, and procedures contained in the licensee renewal application dated March 16, 2001. The license renewal application states on the Attachment #9 (page 5-6), that the research material will be used on the second and third floors of licensee's research building.

Contrary to the above, without notifying the Commission, the licensee moved their research facility from the specified use locations of the second and the third floors to the fourth floor in July 2004 and again moved from the fourth floor to the fifth floor in June 2006.

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

Pursuant to the provisions of 10 CFR 2.201, Guthrie Healthcare System and Guthrie Clinic is hereby required to submit a written statement or explanation 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). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the 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. 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 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 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.

Notice of Violation 2
Guthrie Healthcare System and Guthrie Clinic

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

Dated This 1 day of November 2006