



Daviness  
Community  
Hospital

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Date: 11/18/2014

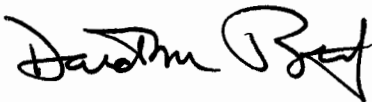
To: Nuclear Regulatory Commission  
Region III  
2443 Warrenville Rd. Suite 210  
Lisle, IL 60532-4352

Re: Reply to a Notice of Violation

This letter is in response to Violation of Title 10 CFR 20.1801, on September 9<sup>th</sup> 2014, requiring that the licensee secure from unauthorized removal or access licensed materials that are stored in controlled or unrestricted areas. Immediate corrective action was taken to lock the door at all times. As of October 16<sup>th</sup> 2014, an automated keypad lock was installed, which is unable to be unlocked, ensuring the door will continue to be locked at all times.

Please feel free to contact Richard Collins D.O. (RSO) with any additional questions or concerns at 1314 E. Walnut St. Washington, IN 47501 or (812) 254-2760.

Sincerely,



David Bixler, CEO  
Daviness Community Hospital  
1314 E. Walnut St.  
Washington, IN 47501

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**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

REGION III  
2443 WARRENVILLE RD. SUITE 210  
LISLE, IL 60532-4352

November 12, 2014

Mr. David Bixler, CEO  
Daviess Community Hospital  
1314 East Walnut  
P.O. Box 760  
Washington, Indiana 47501

**SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03010475/2014001(DNMS) AND  
NOTICE OF VIOLATION – DAVIESS COMMUNITY HOSPITAL**

Dear Mr. Bixler:

On September 9, 2014, two U.S. Nuclear Regulatory Commission (NRC) inspectors conducted a routine inspection at your facility in Washington, Indiana, with continued in-office review through October 14, 2014. The purpose of the inspection was to review activities performed under your NRC license to ensure that activities were being performed in accordance with NRC requirements. The in-office review included a review of information that was unavailable during the onsite inspection, including information about several written directives. A final exit meeting was held between Mr. Zahid Sulaiman and Mr. Robert Gattone of my staff and Dr. Richard Collins of your staff by telephone on October 14, 2014, to discuss the inspection findings.

During this inspection, the NRC staff examined activities conducted under your license related to public health and safety. Additionally, the staff examined your compliance with the Commission's rules and regulations as well as the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on the results of this inspection, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation concerned the licensee's failure to secure from unauthorized removal or access licensed material that are stored in controlled or unrestricted areas, as required by Title 10 of the *Code of Federal Regulations* (CFR) 20.1801. The violation was identified by the inspectors, and as such is cited in the enclosed Notice of Violation (Notice).

The inspectors determined that the cause of the violation was that the Nuclear Medicine Technologist (NMT) left the stress room door unlocked to allow the doctor and the patient to access the stress room for the stress test. The stress room was connected to the adjacent nuclear medicine hot lab, where licensed material was stored and left unattended. As corrective actions to restore compliance and to prevent recurrence, licensee staff members locked the stress room door and committed to lock that door whenever licensed material is not attended by an authorized person to prevent unauthorized access. As such, the licensee achieved compliance with the NRC requirement.

D. Bixler


- 2 -

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In addition to the required information specified in the enclosed Notice, the NRC is requesting that the licensee provide information on how the proposed corrective actions, which were previously in place to ensure compliance in the past, will remain in place and be more effective to ensure sustained compliance with 10 CFR 20.1801. The guidance in NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be useful in preparing your response. You can find the Information Notice on the NRC's website at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made publicly available without redaction.

Please feel free to contact Mr. Sulaiman of my staff if you have any questions regarding this inspection. Mr. Sulaiman can be reached at 630-829-9752.

Sincerely,



Aaron T. McCraw, Chief  
Materials Inspection Branch  
Division of Nuclear Materials Safety

Docket No. 030-10475  
License No. 13-16138-01

Enclosure:  
Notice of Violation

cc w/encl: Dr. Richard B. Collins, RSO  
State of Indiana

## NOTICE OF VIOLATION

Daviess Community Hospital  
Washington, Indiana

License No. 13-16138-01  
Docket No. 030-10475

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on September 9, 2014, with continued in-office review through October 14, 2014, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of the *Code of Federal Regulations* (CFR) 20.1801 requires that the licensee secure from unauthorized removal or access licensed materials that are stored in controlled or unrestricted areas.

Contrary to the above, on several occasions including September 3, 2014, the licensee did not secure from unauthorized removal or limit access to 119.5 millicuries (mCi) of technetium-99m, 1.53 mCi of cobalt-57, 0.028 mCi of barium-133, and 0.095 mCi of cesium-137 located in a nuclear medicine hot lab, which is a controlled area.

This is a Severity Level IV violation (Section 6.7.d.6).

Pursuant to the provisions of CFR 2.201, Daviess Community 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 III, 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 violation, 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 previously 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.

Your response will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made publicly available without redaction.

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, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Enclosure

**Notice of Violation**

- 2 -

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

**Dated this 12<sup>th</sup> day of November, 2014.**

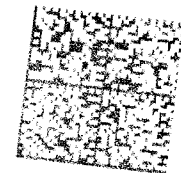


1314 East Walnut Street  
P.O. Box 760  
Washington, Indiana 47501  
[www.dchosp.org](http://www.dchosp.org)

ATTN: Nuclear Medicine  
ADDRESS SERVICE REQUIRED

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IN 476  
24 NOV '14  
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ZIP 47501  
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*DWMS*

Nuclear Regulatory Commission  
Region III  
2443 Warrenville Rd, Suite 210  
Lisle, IL 60532-4352

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