



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

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

November 10, 2015

Mr. David Dubriwny, D.O.
Radiation Safety Officer
Scheurer Hospital
170 North Caseville Road
Pigeon, MI 48755

**SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03035444/2015001(DNMS) AND
NOTICE OF VIOLATION – SCHEURER HOSPITAL**

Dear Mr. Dubriwny:

On October 22, 2015, inspectors from the U.S. Nuclear Regulatory Commission (NRC) conducted an inspection at your facility in Pigeon, Michigan. 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. Mr. Luis Nieves and Mr. Ryan Craffey of my staff conducted a final exit meeting with Mr. Joe Siemen and Ms. Laurie Polega on October 22, 2015, immediately following the inspection 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 failure to wear individual extremity monitoring devices in accordance with Condition 14.A of NRC License 21-32250-01. The violation is cited in the enclosed Notice of Violation (Notice). The NRC is citing the violation in the enclosed Notice because the inspectors identified violation.

The inspectors determined that the root cause of the violation was less than adequate management oversight, in that the hospital was unaware that the nurses were also required to wear extremity monitoring in accordance with established procedures. As corrective action to restore compliance and to address the potential for recurrence, the staff committed to obtain extremity monitoring for respiratory therapists, and to restrict the handling of radioactive material to only those who already had been provided such monitoring until the therapists received their monitoring devices. In addition, the staff committed to review the procedure for the safe use of radioactive material with your medical physics consultant.

D. Dubriwny

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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 in this letter. Therefore, you are not required to respond to this letter unless the description herein 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 accordance with Title 10 of the *Code of Federal Regulations* (CFR) 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response if you choose to provide one 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. Nieves or Mr. Craffey of my staff if you have any questions regarding this inspection. Mr. Nieves can be reached at 630-829-9571, and Mr. Craffey can be reached at 630-829-9655.

Sincerely,

/RA/

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

Docket No. 030-35444
License No. 21-32250-01

Enclosure:
Notice of Violation

cc w/encl: State of Michigan

D. Dubriwny

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/RA/

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

Docket No. 030-35444
License No. 21-32250-01

Enclosure:
Notice of Violation

cc w/encl: State of Michigan

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NOTICE OF VIOLATION

Scheurer Hospital
Pigeon, Michigan

License No. 21-32250-01
Docket No. 030-35444

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on October 22, 2015, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Condition 14.A of NRC Materials License No. 21-32250-01 states that the licensee shall conduct its program in accordance with the application dated May 17, 2010. Furthermore, the condition states that the NRC's regulation shall govern unless the statements, representations, and procedures in the licensee's application and correspondence are more restrictive than the regulations.

Item 10, Section 8.25 of the application dated May 17, 2010 states that the licensee has developed and will implement and maintain procedures for safe use of unsealed byproduct material that meet the requirements of Title 10 of the *Code of Federal Regulations* (CFR) 20.1101 and 10 CFR 20.1301.

Item 4 of the licensee's procedure entitled "Rules for the Safe Use of Radiopharmaceuticals" states that a finger TLD ring will be worn with label facing the radiation source during elution of Molybdenum-99/Technetium-99m generators; during the preparation, assay and administration of radioactive materials; and while holding patients injected with radiopharmaceuticals for image positioning purposes.

Contrary to the above, on October 22, 2015, Scheurer Hospital failed to conduct its program in accordance with the procedures established in its license application. Specifically, an attending respiratory therapist did not wear a finger TLD ring during the administration of two unit doses of technetium-99m.

This is a Severity Level IV violation (Section 6.3.D.9).

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 was achieved, is already adequately addressed on the docket in the letter transmitting this Notice of Violation (Notice). 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, NRC Inspection Report No. 03035444/2015001(DNMS)" and send it 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.

Your response, if you choose to provide one, 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, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction.

Enclosure

Notice of Violation

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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.

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

Dated this 10th day of November 2015.