



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION IV
1600 E. LAMAR BLVD.
ARLINGTON, TX 76011-4511

June 6, 2017

EA-17-036

Alan Funtanilla
Chief Administrative Services Officer
Guam Regional Medical City
133 Route 3
Dededo, Guam 96929

SUBJECT: NOTICE OF VIOLATION AND NRC INSPECTION REPORT 030-38990/2017-001

Dear Mr. Funtanilla:

This letter refers to the initial, announced inspection conducted on January 10, 2017, at your facility located in Dededo, Guam. The purpose of the inspection was to examine activities conducted under your license as they relate to public health and safety, common defense and security, and to confirm compliance with the U.S. Nuclear Regulatory Commission's (NRC's) rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of an examination of representative records, observations of materials and facilities, independent radiation measurements, and interviews with personnel.

In the NRC letter transmitting the inspection report, dated April 24, 2017 (Agencywide Documents Access and Management System (ADAMS) Accession ML17100B129), we informed you that we believed we had sufficient information to make an enforcement decision, but provided you the opportunity to address the apparent violations identified in the inspection report by either attending a predecisional enforcement conference or by providing a written response before we made our final enforcement decision. In a letter dated May 3, 2017 (ADAMS Accession ML17137A177), you provided a written response to the apparent violations.

Based on the information developed during the inspection and the information that you provided in your response to the inspection report, the NRC has determined that two violations of NRC requirements occurred. These violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in detail in the subject inspection report. The violations involved failures to: (1) obtain a specific license that authorizes possession of byproduct material prior to its receipt; and (2) conduct your program in accordance with your NRC materials license.

The NRC categorized the violations in accordance with the NRC Enforcement Policy, which can be found at the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. For the first violation, although there were no actual safety or security consequences associated with your failure to obtain an NRC-specific license prior to the receipt and possession of two strontium-90 sealed sources, the NRC considers this failure to be a significant violation. In the absence of an NRC-specific license, a

potential existed for the sources to have been used by individuals without appropriate qualifications, or qualifications the NRC had not evaluated. Additionally, there was a potential for the sources to be improperly used, stored, secured, disposed, exported, or transferred. Therefore, this violation was categorized as a Severity Level III violation. The second violation was associated with not having an NRC-approved radiation safety officer after the radiation safety officer on the license ceased employment. This violation was categorized as a Severity Level IV violation.

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$7,000 is considered for a Severity Level III violation. Because your facility has not been the subject of escalated enforcement actions within the last 2 years, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the NRC Enforcement Policy. Your corrective action included applying for and receiving an NRC-specific license. Based on this corrective action, the NRC has concluded that *Corrective Action* credit is warranted.

Therefore, to encourage prompt identification and comprehensive corrective actions to address violations, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty. In addition, issuance of this Notice constitutes an escalated enforcement action that may subject you to increased NRC inspection activities.

The NRC has concluded that information regarding: (1) the reason for the violations; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in the subject inspection report and in your letter dated May 3, 2017. 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 accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," 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 Public Document Room or from ADAMS, accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

To the extent possible, your response, if you choose to provide one, should not include any personal privacy or proprietary information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such information, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). The NRC also includes significant enforcement actions on its Web site at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions>.

If you have any questions concerning this matter, please contact Ms. Vivian H. Campbell of my staff at 817-200-1455.

Sincerely,

/RA/

Kriss M. Kennedy
Regional Administrator

Docket No. 030-38990
License No. 56-35371-01

Enclosure: Notice of Violation

cc w/enclosure:
M. Thomas Nadeau
Chief Environmental Public Health Officer
Division of Environmental Health
Guam Department of Health and Social Services
123 Chalan Kareta
Mangilao, Guam 96913-6304

NOTICE OF VIOLATION AND NRC INSPECTION REPORT 030-38990/2017-001
 DATED JUNE 6, 2017

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ADAMS ACCESSION NUMBER: ML17131A035

SUNSI Review: ADAMS: Non-Publicly Available Non-Sensitive Keyword: By:
 JFK Yes No Publicly Available Sensitive EA-17-036

OFFICE	MLIB	C:MLIB	ACES	RC	D:DNMS	RA
NAME	JFKatanic	VHCampbell	MCHay	KFuller	MRShaffer	KMKennedy
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NOTICE OF VIOLATION

Guam Regional Medical City
Dededo, Guam

Docket No.: 030-38990
License No.: 56-35371-01
EA-17-036

During an NRC inspection conducted on January 10, 2017, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 30.3(a) requires, in part, that no person shall transfer, receive, acquire, own, possess, or use byproduct material except as authorized in a specific or general license issued in accordance with the regulations in 10 CFR Chapter I.

Contrary to the above, from December 15, 2014, through October 19, 2016, Guam Regional Medical City received and possessed byproduct material and these activities were not authorized in a specific or general license issued in accordance with the regulations in 10 CFR Chapter I. Specifically, Guam Regional Medical City received and possessed byproduct material in two sealed sources, each containing 810 microcuries of strontium-90, for a total of 1.62 millicuries of strontium-90, and these activities were not authorized in a specific or general license issued in accordance with the regulations in 10 CFR Chapter I.

This is a Severity Level III violation (NRC Enforcement Policy Section 6.3.c).

- B. License Condition 11 of NRC Materials License 56-35371-01, issued on October 19, 2016, states, in part, that the radiation safety officer for the license is Amanda Marie Jackson, M.S..

Contrary to the above, on January 10, 2017, the individual named as radiation safety officer on the NRC Materials License 56-35371-01, issued on October 19, 2016, was no longer the radiation safety officer.

This is a Severity Level IV violation (NRC Enforcement Policy, Section 6.3.d).

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in a letter dated May 3, 2017 (Agencywide Documents Access and Management System (ADAMS) Accession ML17137A177), and in NRC Inspection Report 030-38990/2017-001.

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, EA-17-036," 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, U.S. Nuclear Regulatory Commission, Region IV, 1600 E. Lamar Blvd, Arlington, TX 76011 within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

Enclosure

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's ADAMS, accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

In accordance with 10 CFR 19.11, you may be required to post this Notice within 2 working days of receipt.

Dated this 6th day of June 2017