

APPENDIX

NOTICE OF VIOLATION

Memorial Hospital of Carbon County
Rawlins, Wyoming

Docket No. 030-17192/90-01
License No. 49-19237-01

During an NRC inspection conducted on October 10, 1990, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1990), the violations are listed below:

1. 10 CFR 35.220 requires, in part, that licensees authorized to use byproduct material for imaging and localization studies have in its possession a portable radiation detection survey instrument capable of detecting dose rates over the range of 0.1 millirem per hour to 100 millirem per hour, and a portable radiation measurement survey instrument capable of measuring dose rates over the range 1 millirem per hour to 1000 millirem per hour.

Contrary to the above, on October 10, 1990, a portable radiation measurement survey instrument capable of measuring the above listed dose rates was not in your possession while byproduct material was used for imaging and localization. Specifically, the survey instrument in possession was inoperable in the upper range of the indicated dose rates.

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

2. 10 CFR 71.5(a) requires, in part, that each licensee who transports licensed material outside of the confines of its plant or other place of use, or who delivers licensed material to a carrier for transport, comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 170-189.

49 CFR 173.415(a) requires, in part, that each shipper of a Specification 7A package maintain on file for at least 1 year after the latest shipment a complete documentation of tests and an engineering evaluation or comparative data showing that the construction methods, packaging design, and materials of construction comply with that specification.

Contrary to the above, the licensee had not maintained on file the above documentation for routine shipments of spent technetium generators returned to the manufacturer in Specification 7A packages between April 1988 and October 1990.

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

3. 10 CFR 35.50(e)(3) requires, in part, that records be maintained of quarterly dose calibrator linearity tests for 3 years unless directed otherwise.

Contrary to the above, as of October 10, 1990, records of quarterly linearity tests were not maintained for the second quarter of 1988 and the first, second, and third quarters of 1989.

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

Pursuant to the provisions of 10 CFR 2.201, Memorial Hospital of Carbon County 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 IV, and if applicable, a copy to the NRC Resident Inspector, 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. If an adequate reply is not received within the time specified in this Notice, an order may be issued to show cause 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. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Dated at Arlington, Texas
this 5th day of November 1990