DEC 12 1990

In Reply Refer To:
License: 35-01164-02
Docke . 030-14323/90-01

Jane Phillips Episcopol Memorial Medical Center
ATTN: Larry Minden
Chief Executive Officer
Department of Radiology
3500 East Frank Phillips Boulevard
Bartlesville, Oklahoma 74003

Gentlemen:

Thank you for your letter of November 16, 1990, in response to our letter and attached Notice of Violation both dated October 23, 1990. We have reviewed your reply and find it responsive to the concerns raised in our Notice of Violation. We will review the implementation of your corrective actions during a future inspection to determine whether full compliance has been achieved and will be maintained.

Sincerely,
Original Signed By:
A. B. BEACH

A. Bill Beach, Director
Division of Radiation Safety
and Safeguards

cc:
Oklahoma Radiation Control Program Director

bcc w/copy of licensee letter:
DMB - Original (IE-07)
RDMartin
ABBeach
LAYandell
MRodriguez. OC/LFDCB (MS 4503)
CLCain
WLFisher
RLeonardi
ADGaines
NMSIS
MIS System
RIV Files (2)
RSTS Operator

RIV:NMSIS	NMIS	C:NMSIS	D:DRSS
RLeonardi:ch	ADGaines	CLCain	ABBeach
12/7/90	12/10/90	12/10/90	12/11/90

9012180080 901212
REG4 LIC30
35-01164-02 PDR

IE07
1/1

NOV 2 / 1990

November 16, 1990

U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attn: Document Control Desk

Reference:
Docket No.030-14323/90-01
License No. 35-01164-02

Dear Sirs:

This letter is in regards to your request for a written response to the three violations (Severity Level IV) found during the N.R.C. inspection conducted September 20, 1990.

A. Failure to post the calculated time and safety measures to be instituted in the case of a spill of Xenon-133 at the area of use.

1.) We were not aware that this data was required to be in visual sight at all times. We did have this data in our procedure manual.

2.) We made copies of the data and posted on the bulletin board located in the hot lab.

3.) This data will remain posted as required in 10 CFR-35.205 (d).

4.) Full compliance achieved September 26, 1990.

9012030054

JANE PHILLIPS EPISCOPAL - MEMORIAL MEDICAL CENTER
3500 E. Frank Phillips Blvd. Bartlesville, Oklahoma 74006
Phone 918/333-7200

IC 90-332

B. Failure to measure the ventilation rates in those rooms where Xenon-133 was used.

1.) We were not aware that these ventilation rates were required to be measured every six months.

2.) We have contracted with Johnson Controls, Inc. in Tulsa, Oklahoma to perform these ventilation rate measurements every six months.

3.) This procedure is now included in our policy manual to be performed every six months as required in 10 CFR 35.205.

4.) Johnson Controls, Inc. performed ventilation rate measurements September 26, 1990.

C. Failure to test the dose calibrator down to the 10 microcurie limit.

1.) Our consulting Radiation Health Physicist did not require data testing the calibrator down to the 10 microcurie limit.

2.) Sufficient data is now being collected to test the dose calibrator down to the 10 microcurie limit - (-3% at 8 microcuries).

3.) This procedure is now included in our policy manual - at every calibration interval - data will be collected to test the equipment down to the 10 microcurie limit as required in 10 CFR 35.50 (b) (3).

4.) Full compliance was achieved September 25, 1990 by collecting data to perform the dose calibrator linearity check and was tested down to 8 microcuries.

Sincerely,

Larry Minden, Chief Executive Officer
Jane Phillips Episcopal-Memorial Medical Center

OCT 23 1990

In Reply Refer To:
License: 35-01164-02
Docket: 030-14323/90-01

Jane Phillips Episcopal
Memorial Medical Center
ATTN: Randall Fale
Hospital Administrator
Department of Radiology
3500 E. Frank Phillips Blvd.
Bartlesville, Oklahoma 74003

Gentlemen:

This refers to the routine, unannounced radiation safety inspection conducted by Messrs. Richard A. Leonardi and Anthony D. Gaines of this office on September 20, 1990, of the activities authorized by NRC Byproduct Material License No. 35-01164-02, and to the discussion of our findings held by the inspector with members of your staff at the conclusion of the inspection.

The inspection was an examination of the activities conducted under the license as they relate to radiation safety and to compliance with the Commission's rules and regulations and the conditions of the license. The inspection consisted of selective examinations of procedures and representative records, interviews of personnel, independent measurements, and observations by the inspectors.

The inspectors observed that the nuclear medicine department was well organized and staffed with technically competent people. They also noted that the recordkeeping system was well organized with special attention to record format. Additionally, the radiation safety officer had taken an active role in the day-to-day operation of the department. Except for the few violations noted, the radiation safety program showed proper control of radiopharmaceutical products.

During this inspection, certain of your activities were found not to be conducted in full compliance with NRC requirements. Consequently, you are required to respond to this matter in writing, in accordance with the provisions of Section 2.201 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations. Your response should be based on the specifics contained in the Notice of Violation enclosed with this letter.

The inspectors also reviewed the actions you had taken with respect to the violations observed during our previous inspection conducted on November 15, 1988. They verified that the corrective actions for these violations had been implemented as stated in your replies dated January 12 and February 27, 1989.

RIV:NMSIS	NMSIS	C:NMSIS	D:DRSS
RLeonardi:lm	ADGaines	CLCain	ABBeach
10/18/90	10/18/90	10/19/90	10/22/90

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IE 07

In accordance with 10 CFR 2.790 of the Commission's regulations, a copy of this letter, the enclosure, and your response to this letter will be placed in the NRC Public Document Room.

The response directed by this letter and the accompanying Notice is not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

Should you have any questions concerning this letter, we will be pleased to discuss them with you.

Sincerely,

L. A. Yandell for

A. Bill Beach, Director
Division of Radiation Safety
and Safeguards

Enclosure:
Appendix - Notice of Violation

cc:
Oklahoma Radiation Control Program Director

bcc:
DMB - Original (IE-07)
RDMartin
ABBeach
LAYandell
MRodriguez, OC/LFDCB (4503)
*WLFisher
*CLCain
*RLeonardi
*ADGaines
*NMSIS
*MIS System
*RIV Files (2)
*RSTS Operator
*REHall, URFO

*W/766

APPENDIX

NOTICE OF VIOLATION

Jane Phillips Episcopal Memorial Medical Center
Bartlesville, Oklahoma

Docket No. 030-14323/90-01
License No. 35-01164-02

During an NRC inspection conducted on September 20, 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:

A. 10 CFR 35.205(d) requires, in part, that the licensee post the calculated time and safety measures to be instituted in case of a spill of radioactive gas at the area of use.

Contrary to the above, as of the inspection date, the licensee had failed to post the calculated time and safety measures to be instituted in the case of a spill of xenon-133 at the area of use.

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

B. 10 CFR 35.205(e) requires, in part, that the licensee shall measure the ventilation rates available in areas of radioactive gas use each 6 months.

Contrary to the above, between January 1989 and September 1990, the licensee failed to measure the ventilation rates in those rooms where xenon-133 was used.

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

C. 10 CFR 35.50(b)(3) requires, in part, that the licensee test each dose calibrator for linearity over the range of its use between the highest dosage that will be administered to a patient and 10 microcuries.

Contrary to the above, for linearity tests conducted between December 1988 and September 1990, the licensee failed to test the dose calibrator down to the 10-microcurie limit.

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

Pursuant to the provisions of 10 CFR 2.201, Jane Phillips Episcopal Memorial Medical Center 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 23rd day of October 1990

NRC FORM 766

U.S. NUCLEAR REGULATORY COMMISSION

INSPECTOR'S REPORT

Office of Inspection and Enforcement

PRINCIPAL INSPECTOR (name, last, first and middle initial): Leonardi Jr., Richard A.

REVIEWER: C. Cain

INSPECTORS: Richard A. Leonardi Jr.; Antony D. Gaines

LICENSEE/VENDOR: Jane Phillips Episcopal Memorial Medical Center

TRANSACTION TYPE: X I - INSERT; M - MODIFY; D - DELETE; R - REPLACE

DOCKET NO. (8 digits) OR LICENSE NO. (BY PRODUCT) (13 digits): 030 14323

REPORT NO.: 9001

NEXT INSPEC. DATE: MO 09, YR 93

PERIOD OF INVESTIGATION/INSPECTION: FROM 09 20 90 TO 09 20 90

INSPECTION PERFORMED BY: X 1 - REGIONAL OFFICE STAFF; 2 - RESIDENT INSPECTOR; 3 - PERFORMANCE APPRAISAL TEAM; OTHER

ORGANIZATION CODE OF REGION/HQ CONDUCTING ACTIVITY: REGION 4, DIVISION 3, BRANCH 4

REGIONAL ACTION: 1 - NRC FORM 591; X 2 - REGIONAL OFFICE LETTER

TYPE OF ACTIVITY CONDUCTED: X 02 - SAFETY; 03 - INCIDENT; 04 - ENFORCEMENT; 05 - MGMT. AUDIT; 06 - MGMT. VISIT; 07 - SPECIAL; 08 - VENDOR; 09 - MAT. ACCT; 10 - PLANT SEC; 11 - INVENT. VER; 12 - SHIPMENT/EXPORT; 13 - IMPORT

INSPECTION/INVESTIGATION FINDINGS: 1 - CLEAR; X 2 - VIOLATION; 3 - DEVIATION; 4 - VIOLATION & DEVIATION

TOTAL NUMBER OF VIOLATIONS AND DEVIATIONS: 03

ENFORCEMENT CONFERENCE HELD: YES

REPORT CONTAINS 2.790 INFORMATION: YES

LETTER OR REPORT TRANSMITTAL DATE

MODULE INFORMATION

MODULE NUMBER	INSP.	DESCRIPTION
53 07 03	000	Management Meetings
58 71 00	004100C	Licensed Materials Programs
58 38 22	003100C	Radiation Protection
~~58 67 40~~		~~Transportation~~
~~58 48 50~~		~~Inspection of Waste Generator Requirements~~
~~53 08 00~~		~~Initial Inspection~~
92 70 2	000	Followup on Violations

NRC FORM 766 A

INSPECTOR'S REPORT
(Continuation)
Office of Inspection and Enforcement

DOCKET NO. (4 digits) OR LICENSE NO. (BY PRODUCT) (13 digits)	REPORT NO	SEQ	MODULE NUMBER
030-14323	9001	A	88822

VIOLATION SEVERITY OR DEVIATION: 1 2 3 4 5 6 D — X

SITE RELATED: A ☐ B ☐ — SUPL.: 6

VIOLATION OR DEVIATION (Enter up to 2400 characters for each item. If the text exceeds this number, it will be necessary to paraphrase. Lines limited to 80 characters each.)

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

NRC FORM 799 A
E MC 0536

INSPECTOR'S REPORT
(Continuation)
Office of Inspection and Enforcement

DOCKET NO. (8 digits) OR LICENSE NO. (BY PRODUCT) (13 digits)	REPORT NO	REPORT SEQ	MODULE NUMBER
030-14323	9001	A	83822
		B	
		C	
		D	

VIOLATION SEVERITY OR DEVIATION							TYPE RELATED	SUPL.
1	2	3	4	5	6	D	A C / B D	6
			X					

VIOLATION OR DEVIATION (Enter up to 2400 characters for each item. If the text exceeds this number, it will be necessary to paraphrase. Limit lines to 80 characters each.)

B. 10 CFR 35.205(e) requires, in part, that the licensee shall measure the ventilation rates available in areas of radioactive gas use each 6 months.

Contrary to the above, between January 1989 and September 1990, the licensee failed to measure the ventilation rates in those rooms where xenon-133 was used.

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

NRC FORM 766 A
EMC 0535

INSPECTOR'S REPORT
(Continuation)
Office of Inspection and Enforcement

DOCKET NO. (8 digits) OR LICENSE NO. (BY PRODUCT) (13 digits)	REPORT NO	REPORT SEQ	MODULE NUMBER	VIOLATION SEVERITY OR DEVIATION	SITE RELATED	SUPL.
030-14328	9001	A	83822	1 2 3 4 5 6 D: X	A: B:	6
		B				
		C		X		
		D				

VIOLATION OR DEVIATION (Enter up to 2400 characters for each item. If the text exceeds this number, it will be necessary to paraphrase. Limit lines to 80 characters each.)

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