

APPENDIX A

NOTICE OF VIOLATION

Deaconess Medical Center
Billings, Montana 59107

Docket: 030-02389
License: 25-01051-01
EA 94-077

During an NRC inspection conducted on March 28 through April 1, and April 5-29, 1994, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the violation is listed below:

- A. 10 CFR 35.13(c) requires, in part, that a licensee apply for and must receive a license amendment before it changes Radiation Safety Officers (RSO).

Contrary to the above, on March 1, 1994, the license changed the individual designated as the RSO but had not yet received a license amendment. The licensee had designated another individual as the RSO in the license renewal application submitted to NRC in October 1993, but had not yet received the renewed license from NRC.

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

- B. 10 CFR 35.415(a)(4) requires, in part, that a licensee, promptly after implanting brachytherapy sources, survey the dose rates in contiguous restricted and unrestricted areas with a radiation measurement survey instrument to demonstrate compliance with the requirements of 10 CFR Part 20.

Contrary to the above, the licensee failed to survey all contiguous unrestricted areas after brachytherapy sources were implanted. Specifically, the licensee had not conducted surveys in a stairwell which is contiguous with the dedicated room used for brachytherapy patients. The stairwell is an unrestricted area that was accessible to and occupied by members of the general public.

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

Pursuant to the provisions of 10 CFR 2.201, Deaconess 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, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, 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 or a Demand for Information 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.

Dated at Arlington, Texas
this 10th day of June, 1994