

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Beckley Appalachian Regional Hospital
Beckley, WV

Docket No. 030-29017
License No. 47-17725-02
EA 87-157

During the Nuclear Regulatory Commission (NRC) inspections conducted on July 27 and August 15, 1987, 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 (1987), the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violations and associated civil penalty are set forth below:

A. License Conditions 14.A and 14.C require that licensed material be used in accordance with statements, representations, and procedures contained in your application dated September 19, 1985, and contained in information received February 13, 1986, which includes Beckley Appalachian Regional Hospital's ALARA Program signed by Dalton G. Smart, Administrator.

1. Section 7, Appendix B, of the application requires the Radiation Safety Committee to meet no less than once each calendar quarter.

Contrary to the above, between December 12, 1986 and July 28, 1987, no Radiation Safety Committee meetings were conducted.

This is similar to a violation issued on December 18, 1986.

2. Item 3.a(3) of the ALARA Program requires the Radiation Safety Officer (RSO) to review records of radiation level surveys quarterly.

Contrary to the above, the RSO did not review radiation level surveys between August 14, 1986 and July 27, 1987.

3. Section 10, Appendix D, Calibration of Dose Calibrator, item B, requires that the licensee use Cobalt-57, Barium-133, and Cesium-137 sources to perform instrument accuracy and constancy tests.

Contrary to the above, as of July 27, 1987, the licensee did not possess and therefore could not use a Barium-133 source to perform instrument accuracy and constancy tests.

This is similar to a violation issued on December 18, 1986.

4. Section 14, Appendix F, item 2.f, of the application requires that a wipe of the external surface of the final source container be made when opening packages containing radioactive material.

Contrary to the above, the licensee did not perform wipe tests of the final source containers on packages received between August 14, 1986 and July 28, 1987.

This is similar to a violation issued on December 18, 1986.

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5. Section 17, Appendix I, item 4.b, of the application requires that the method for performing area wipe test be sufficiently sensitive to detect 200 dpm per 100 cm².

Contrary to the above, the licensee used a Capintec Model CRC-7 dose calibrator to analyze the area wipe test of approximately 100 cm². The Capintec Model CRC-7 dose calibrator has a minimum detectable activity of approximately 22,000 dpm.

- B. 10 CFR 20.401(b) requires the licensee to maintain records of surveys in the same units used in 10 CFR Part 20.

10 CFR 20.5(a) requires that radioactivity be measured in terms of disintegrations per unit time or in curies.

Contrary to the above, between December 4, 1986 and July 28, 1987, the licensee obtained results of area wipe surveys in units of millicuries and erroneously recorded them in units of millirem per hour.

- C. 10 CFR 20.403(a) requires, in part, that each licensee immediately report any event involving by-product material possessed by the licensee that may have caused or threatened to cause exposure of the whole body of any individual to 25 rems or more of radiation.

Contrary to the above, a reading of 374 rems to a film badge assigned to an employee was reported to the licensee by the supplier on March 12, 1987. This possible exposure was not officially reported to the NRC immediately, and the NRC was not aware of the badge reading until a July 27, 1987 inspection, at which time the exposure was considered by the licensee to be a photodosimetry error.

- D. 10 CFR 20.401(b) requires that each licensee maintain records showing the results of surveys required by 10 CFR 20.201(b). "Survey" as defined in 10 CFR 20.201(a) is an evaluation of the radiation hazards incident to the use of radioactive material.

Contrary to the above, in March 1987, the licensee did not record the results of an evaluation of the circumstances surrounding a reading of 374 rems recorded on the film badge of a radiology technologist.

- E. 10 CFR 20.401(a) requires that each licensee maintain records showing the radiation exposures of all individuals for whom personnel monitoring is required under 10 CFR 20.202.

Contrary to the above, a film badge exposure of 2380 millirems, which the licensee concluded was not received by the individual to which the badge was assigned, was not removed from the individual's exposure record.

These violations have been assessed in the aggregate as a Severity Level III problems (Supplement IV and VI).

Cumulative Civil Penalty - \$5,000 (assessed equally among the violations).

Notice of Violation

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Pursuant to the provisions of 10 CFR 2.201, Beckley Appalachian Regional Hospital is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) admission or denial of the violation, (2) the reasons for the violation if admitted, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that will be taken to avoid further violations, and (5) 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. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required above under 10 CFR 2.201, the licensee may pay the civil penalty by letter to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, or money order payable to the Treasurer of the United States in the amount of the civil penalty proposed above, or the cumulative amount of the civil penalties if more than one civil penalty is proposed, or may protest imposition of the civil penalty in whole or in part by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the licensee fail to answer within the time specified, an order imposing the civil penalty will be issued. Should the licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the violations listed in this Notice in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the five factors addressed in Section V.B of 10 CFR Part 2, Appendix C (1987), should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201 but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the licensee is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty due which subsequently has been determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282c.

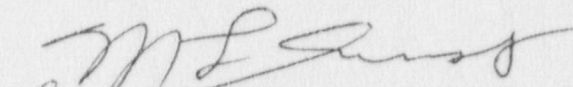
The responses to the Director, Office of Enforcement, noted above (Reply to a Notice of Violation, letter with payment of civil penalty, and Answer to a

Notice of Violation

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Notice of Violation) should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region II.

FOR THE NUCLEAR REGULATORY COMMISSION
ORIGINAL SIGNED BY


for J. Nelson Grace
Regional Administrator

Dated at Atlanta, Georgia
this 27th day of October 1987