



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
2100 RENAISSANCE BLVD.
KING OF PRUSSIA, PA 19406-2713

September 28, 2021

Daniel J. McIntyre, President & CEO
Charlotte Hungerford Hospital
540 Litchfield Street
Torrington, Connecticut, 06790-0988

**SUBJECT: CHARLOTTE HUNGERFORD HOSPITAL - NRC INSPECTION NO.
03009293/2021001 AND NOTICE OF VIOLATION**

Dear Mr. McIntyre:

This letter refers to the inspection conducted on August 4, 2021, at your Torrington, Connecticut facilities. This inspection examined activities conducted under your license as they relate to public health and safety, and to confirm compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel. An inspection debrief was held onsite with you and your staff on August 4, 2021. Additional information was provided electronically by your staff as requested. An inspection exit meeting was held with you and your staff on September 20, 2021.

Based on the results of this inspection, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation is cited in the enclosed Notice of Violation (Notice) because the violation was identified by the NRC.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

Based on the results of this inspection, the NRC has also determined that one additional Severity Level IV violation of NRC requirements occurred. 10 CFR 35.60(b) requires licensees to calibrate the instrumentation required in paragraph (a) of this section in accordance with nationally recognized standards or the manufacturer's instructions. Contrary to the above, from July 14, 2020 to October 22, 2020, you did not calibrate the instrumentation required in paragraph (a) of this section in accordance with nationally recognized standards or the manufacturer's instructions. Specifically, your dose calibrator linearity test failed on July 14, 2020 and July 24, 2020; however, you continued to utilize the instrument for measurements. You identified this failure and replaced the dose calibrator with a new dose calibrator. Upon receipt of the new dose calibrator you properly installed the unit in accordance with nationally recognized standards.

This violation is being treated as a Non-Cited Violation (NCV), consistent with Section 2.3.2 of the Enforcement Policy, because: the licensee identified the violation; the licensee corrected the violation within a reasonable period of time by specific corrective action committed to by the end of the inspection, including immediate corrective action and comprehensive action to prevent recurrence; the violation is not repetitive as a result of inadequate corrective action; and the violation is not willful.

If you contest the NCV you should provide a response within 30 days of the date of this letter, with the basis for your denial, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001, with copies to the Regional Administrator, Region I; and the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

If you have any questions regarding this matter, please contact Elizabeth Tindle-Engelmann of my staff at 610-337-5115 or via electronic mail at Elizabeth.Tindle-Engelmann@nrc.gov.

Thank you for your cooperation.

Sincerely,

Tara L. Weidner, Acting Chief
Medical and Licensing Assistance Branch
Division of Radiological Safety and Security
Region I

Docket No. 03009293
License No. 06-08349-04

Enclosure:
Notice of Violation

cc w/ enclosure
Gerald Randall, Radiation Safety Officer
Patty Sullivan, Administrative Director of Ancillary Services
John Capobianco, Regional Vice President for Operations
State of Connecticut

CHARLOTTE HUNGERFORD HOSPITAL - NRC INSPECTION NO. 03009293/2021001 AND NOTICE OF VIOLATION DATED SEPTEMBER 28, 2021

DOCUMENT NAME: <https://usnrc.sharepoint.com/teams/Region-I-MLA/Inspection Reports/Inspection Documentation - Draft/L06-08349-04.2021001.letter.docx>

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OFFICE	RI: DRSS	RI: DRSS			
NAME	ETindle-Engelmann (EDTE)	TLWeidner (TLW)			
DATE	09/20/2021	9/22/21			

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Charlotte Hungerford Hospital
Torrington, Connecticut

Docket No. 03009293
License No. 06-08349-04

During an NRC inspection conducted on August 4, 2021, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation(s) is listed below:

10 CFR 35.63(c) requires that, for other than a unit dosage, the license must determine the activity either by (1) direct measurement of radioactivity; (2) a combination of measurement of radioactivity and mathematical calculations; or (3) a combination of volumetric measurements and mathematical calculations, based on the measurement made by a manufacturer or preparer licensed under § 32.72 of this chapter or equivalent Agreement State requirements.

Contrary to the above, from July 14, 2020 to October 22, 2020, the licensee did not determine the activity either by (1) direct measurement of radioactivity; (2) a combination of measurement of radioactivity and mathematical calculations; or (3) a combination of volumetric measurements and mathematical calculations, based on the measurement made by a manufacturer or preparer licensed under § 32.72 of this chapter or equivalent Agreement State requirements. Specifically, the licensee's instrumentation for direct measurement of radioactivity failed calibration and the licensee did not perform a combination of volumetric measurements and mathematical calculations to determine the activity for a dosage containing Technetium-99m that was not a unit dose.

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

Pursuant to the provisions of 10 CFR 2.201, Charlotte Hungerford Hospital 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 I, 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. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to 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.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publicly available without redaction. However,

if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

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

Dated This 28 day of September 2021