



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

November 2, 1999

EA99-141

Fredrick W. Slunecka, Regional President
Avera McKennan Hospital
800 East 21st Street
P.O. Box 5045
Sioux Falls, South Dakota 57117-5045

SUBJECT: RESPONSE TO NRC INSPECTION REPORT 030-11252/99-01 AND NOTICE OF VIOLATION

Dear Mr. Slunecka:

Thank you for your letter of August 5, 1999, in response to the subject inspection report and Notice of Violation (Notice) dated July 30, 1999. We have reviewed your response, and based on the additional information provided therein, one violation will be withdrawn and others will be restated to reflect our conclusions as described below. As discussed with you and Dr. Steven Olson during telephone conversations on October 28, 1999, with exception of those items requiring additional response, as discussed below, we find the information you provided to be responsive to the concerns raised in the Notice. The effectiveness of your corrective actions will be reviewed during a future inspection. Our conclusions regarding your responses to specific violations are provided below.

As noted below, additional information is needed in order for us to complete our review of actions taken by you and your staff in response to the violations. Your response to this letter should be provided to this office within 15 days of your receipt of this letter.

With regard to Violation D, your response to the Notice indicates that calculations had been completed, prior to our inspection, to determine the time required to reduce concentrations of xenon-133 gas to occupational limits in the event of a spill or unintended release in Room 1316. Based on our review of information provided in your written response, the violation is restated as shown below:

Violation D:

10 CFR 35.205(d) requires that a licensee post the safety measures to be instituted in case of a spill of radioactive gas at the area of use and the calculated time needed after a spill to reduce the concentration to the occupational limit listed in 10 CFR Part 20.

Contrary to the above, from February 1996 through April 23, 1999, the licensee had not posted the safety measures to be instituted in case of a spill of xenon-133 and the calculated time needed after a spill to reduce the concentration to the occupational limit listed in 10 CFR Part 20.

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With regard to Violation E, your response to the Notice indicates that annual refresher training had been provided to your nuclear medicine technologists; therefore, the violation is being restated as shown below. However, we note that your written response did not address the failure to provide training to new employees, including your nuclear medicine personnel. Our inspection determined that some new employees, including two nuclear medicine technologists, had not been provided site specific training prior to assuming duties involving use of radioactive materials. Your response to this letter should include a description of the corrective actions planned or taken to ensure that new personnel will be provided site specific instruction in radiation hazards, radiation safety procedures and appropriate precautions to be taken when working with or around radioactive materials in a timely manner.

Violation E:

Condition 16 of License 40-16571-01 requires that the licensee conduct its program in accordance with the statements, representations, and procedures contained in the application dated March 17, 1992.

Attachment 8.1 to the March 17, 1992, application states, in part, that all personnel working with or in the vicinity of radioactive materials, including new employees and ancillary personnel (nursing, clerical, housekeeping and security), are to be provided site specific training pertaining to radiation hazards, radiation safety procedures, and appropriate precautions.

Contrary to the above, from July 1997 through April 1999, the licensee did not provide site specific training pertaining to radiation hazards, radiation safety procedures, and appropriate precautions to all new employees.

With regard to Violation H, your response did not address the required emergency response information needed in the event of a motor vehicle accident, as specified in Department of Transportation regulations. Your response to this letter should describe corrective actions taken or planned to ensure that information accompanying shipments of radioactive material will address the items specified in 49 CFR 172.602.

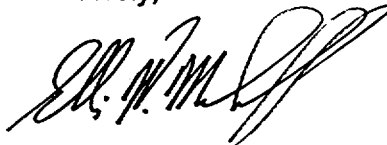
Based on our review of information provided in your response to Violation I, we have concluded that Radiation Safety Committee meetings were conducted as required and that the requirement for establishing a quorum during each meeting was met. Therefore, the violation is being withdrawn. We also note that the corrective actions described in your response for improving the content of Committee minutes appear adequate.

In your response, you indicated that previous inspections had not identified some of the violations identified during our recent inspection. We wish to emphasize that the NRC's inspection program includes a review of only a representative sampling of program activities and required records. Our inspections do not include an exhaustive review of all activities associated with the radiation safety program or all licensee records documenting radiation safety program activities. The NRC holds licensees responsible for implementing program reviews which will identify problems and to implement corrective actions as needed.

As discussed with you during a telephone conversation on October 28, 1999, and as noted in the letter transmitting the Notice, we desire to conduct a management meeting with you to discuss the effectiveness of your corrective actions. Based on the above noted conversation between you and Ms. Linda Howell of this office, the meeting has been scheduled for 9:00 a.m. (MST), December 16, 1999, at your facility.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and your response will be placed in the NRC Public Document Room. Should you have any questions concerning this letter, please contact Linda Howell, Acting Chief, Nuclear Materials Inspection Branch at (817) 860-8213.

Sincerely,

A handwritten signature in black ink, appearing to read "E. W. Merschoff", written in a cursive style.

Ellis W. Merschoff
Regional Administrator

Docket No.: 030-11252
License No.: 40-16571-01

cc w/copy of licensee's ltr dtd 08/05/99:
South Dakota Radiation Control Program Director

E-Mail report to Document Control Desk (DOCDESK)

E-Mail report to OEMAIL

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