

August 30, 2005
EN 05-034

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Boone Hospital Center (EA-05-127)
Columbia, MO 65201
Docket No. 030-02305

Subject: PROPOSED IMPOSITION OF CIVIL PENALTY - \$3,250

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$3,250 will be issued on or about September 2, 2005, to Boone Hospital Center. This action is based on a Severity Level (SL) III violation involving the failure to control and maintain constant surveillance of iodine-125 in a controlled area which resulted in the loss of 8 sodium iodide seeds each with a nominal activity of .32 millicuries. Specifically, on May 18, 2005, a medical physicist inappropriately transferred a new, unused brachytherapy cartridge, containing iodine-125 seeds, to an unauthorized and untrained employee. The cartridge was subsequently transferred to a second unauthorized and untrained employee who opened the cartridge as a part of a routine cleaning process for used cartridges. As a result of this cleaning effort, the iodine-125 seeds were inadvertently washed into the sanitary drain system.

Although application of the normal civil penalty assessment process would not have resulted in a civil penalty in this case, the revised Enforcement Policy, published December 18, 2000, (effective February 16, 2001) provides that, notwithstanding normal application of the civil penalty assessment process, a civil penalty of at least the base amount should normally be proposed in this type of case to reflect the significance of the violations and to emphasize the importance of maintaining control of licensed material (see Section VII.A.1(g) of the Enforcement Policy). Therefore, the staff is proposing imposition of the base civil penalty in the amount of \$3,250.

On June 27, 2005, the licensee declined the opportunity to meet with the NRC staff in a predecisional enforcement conference, and subsequently sent Region III a check in the amount of \$3,250 (the base civil penalty amount listed in NRC's Enforcement Policy for this type of licensee). On July 30, 2005, the licensee provided a written response to the apparent violation.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket. Since the licensee has paid the correct civil penalty amount, and addressed NRC concerns, no additional response is required unless the description in the inspection report or this NOV does not accurately reflect the corrective actions or the licensee's position. The schedule of issuance and notification is:

Mailing of Notice
Telephone Notification of Licensee

September 2, 2005
September 2, 2005

The State of Missouri will be notified.

Contacts: Sally L. Merchant, OE, 415-2747; James Luehman, OE, 415-2741

Distribution
EA-04-127

OWFN

Chairman Diaz
Comm. McGaffigan
Comm. Merrifield
Comm. Lyons
Comm. Jaczko

SECY
OCA
PA
IP

OWFN

EDO
DEDR
DEDE
OE
OGC
NRR
NSIR
OI
SP

TWFN

OCFO
OP CENTER
NMSS
OIG
OCIO
RES
ACRS

Regional Offices

RI RII
RIII RIV

MAIL
ADAMS

ADAMS ACCESSION No. ML052420419

OE:ES
SMerchant
08/30/05

C:OE
C. Nolan
08/30/05

E:\Filenet\ML052420419.wpd

**PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION**