

November 14, 2008

EA-08-221

Mr. Robert P. Thames  
Executive Vice President  
St. Anthony's Medical Center  
10010 Kennerly Road  
St. Louis, MO 63128

SUBJECT: NOTICE OF VIOLATION – ST. ANTHONY'S MEDICAL CENTER; NRC  
ROUTINE INSPECTION REPORT NO. 030-10108/2008-001(DNMS)

Dear Mr. Thames:

This refers to the routine inspection conducted on July 28 and 29, 2008, at your St. Louis, Missouri facility. The purpose of the inspection was to examine activities conducted under your license as they related to safety and compliance with the Commission's rules and regulations and with the conditions in your license. During the inspection, an apparent violation of NRC requirements was identified by the NRC inspector. Details regarding the apparent violation were provided in NRC Routine Inspection Report No. 030-10108/2008-001(DNMS), dated August 21, 2008.

In the letter transmitting the inspection report, we provided you with the opportunity to address the apparent violation identified in the report by either attending a predecisional enforcement conference or by providing a written response before we made our final enforcement decision. In a letter received by the NRC on September 15, 2008, you provided a response to the apparent violation.

Based on the information developed during the inspection and the information that you provided in your response received on September 15, 2008, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the subject inspection report. On July 29, 2008, the NRC inspector, accompanied by a licensee medical physicist during a tour of the facility, noted that the door to a room containing licensed material was open and the material was not otherwise secured. The inspector and the medical physicist entered the unoccupied room and remained there until the technician returned to the room approximately one minute later and provided a means of securing the material. Your failure to secure, from unauthorized removal or access, licensed materials that are stored in controlled or unrestricted areas constitutes a violation of 10 CFR 20.1801.

The violation is of concern to the NRC because it could have permitted unauthorized access to and unnecessary radiation exposures from radioactive material. Therefore, this violation has been categorized, in accordance with the NRC Enforcement Policy, as a Severity Level III violation.

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$3250 is considered for a Severity Level III violation. Because your facility has not been the subject of escalated enforcement actions within the last two years or the last two inspections, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section VI.C.2 of the Enforcement Policy. Credit is warranted for your corrective actions which included: (1) reviewing the security policy with your staff and reminded them to close and lock the room door every time they exit the room; (2) securing the licensed material by chain-locking it to heavy equipment in the room; and (3) installing an automatic door closer device to the room. You completed these actions by August 21, 2008.

Therefore, to encourage prompt and comprehensive correction of violations, and in recognition of the absence of previous escalated enforcement action, I have been authorized, after consultation with the Director, Office of Enforcement, to not propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty. In addition, issuance of this Severity Level III violation constitutes escalated enforcement action, which may subject you to increased inspection effort.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken to correct the violation and prevent recurrence and the date when full compliance was achieved is already adequately addressed on the docket in Inspection Report 030-10108/2008-001(DNMS), dated August 21, 2008, and in your response received on September 15, 2008. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at [www.nrc.gov/reading-rm/adams.html](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 personal privacy or proprietary information is necessary to provide an acceptable response, please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such information, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for

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withholding confidential commercial or financial information). The NRC also includes significant enforcement actions on its Web site at [www.nrc.gov/about-nrc/regulatory/enforcement.html](http://www.nrc.gov/about-nrc/regulatory/enforcement.html).

Sincerely,

***/RA by Mark A. Satorius/***

James L. Caldwell  
Regional Administrator

Docket No. 030-10108  
License No. 24-01041-04

Enclosure:  
Notice of Violation

cc w/encl: State of Missouri

R. Thames

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James L. Caldwell  
Regional Administrator

Docket No. 030-10108  
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Enclosure:  
Notice of Violation

cc w/encl: State of Missouri

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| OFFICE | RIII     |  | RIII     |  | RIII                     |  | D:OE                |  | RIII                    |  | RIII                     |  |
| NAME   | Lougheed |  | Madera   |  | Andersen for<br>Reynolds |  | Hilton <sup>1</sup> |  | Lougheed for<br>O'Brien |  | Satorius for<br>Caldwell |  |
| DATE   | 11/12/08 |  | 11/12/08 |  | 11/13/08                 |  | 11/04/08            |  | 11/13/08                |  | 11/14/08                 |  |

**OFFICIAL RECORD COPY**

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<sup>1</sup> OE concurrence received via E-mail from S. Woods on November 4, 2008.

Letter to Robert A. Thames from James L. Caldwell dated November 14, 2008

SUBJECT: NOTICE OF VIOLATION – ST. ANTHONY’S MEDICAL CENTER; NRC  
ROUTINE INSPECTION REPORT NO. 030-10108/2008-001(DNMS)

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## NOTICE OF VIOLATION

St. Anthony's Medical Center  
St. Louis, MO 63128

Docket No. 030-10108  
License No. 24-01041-04  
EA-08-221

During an NRC inspection conducted on July 28 and 29, 2008, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 20.1801 requires that the licensee secure from unauthorized removal or access licensed materials that are stored in controlled or unrestricted areas.

Contrary to the above, on July 29, 2008, the licensee failed to secure from unauthorized removal or limit access to sealed sources containing amounts in quantities greater than 1000 times the quantity specified in Appendix C to Title 10 Code of Federal Regulations Part 20 located in a hot lab, which is a controlled area.

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

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to be taken to correct the violation and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in Inspection Report No. 030-10108/2008-001(DNMS) and in a letter from the licensee received by the NRC on September 15, 2008. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, EA-08-221," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region III, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction.

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

Dated this 14<sup>th</sup> day of November 2008

Enclosure