



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION IV  
612 EAST LAMAR BLVD, SUITE 400  
ARLINGTON, TEXAS 76011-4125

September 28, 2009

Doug Crabtree  
Chief Executive Officer  
Eastern Idaho Health Services, Inc.  
P.O. Box 2077  
Idaho Falls, Idaho 83403-2077

SUBJECT: NRC INSPECTION REPORT 030-32290/09-01 AND NOTICE OF VIOLATION

Dear Mr. Crabtree:

This refers to the inspection conducted on August 26, 2009, at your facility in Idaho Falls, Idaho. This inspection was an examination of activities conducted under your license as they relate to safety and 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. A preliminary exit briefing was conducted with you and your staff on August 26, and a final exit briefing was conducted with Debra Barlow on September 10, 2009. The enclosed report presents the result of the inspection.

Based on the results of this inspection, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy included on the NRC's Web site at [www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html](http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html). The violation is cited in the enclosed Notice of Violation and the circumstances surrounding it are described in detail in the subject inspection report. The violation is being cited in the Notice because it was identified by the NRC during the inspection. The violation involved a failure to follow licensee procedures for wearing personnel monitoring devices when using radioactive materials.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and 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's 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.

Eastern Idaho Health Services, Inc.

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Should you have any questions regarding this letter or the enclosed Notice, please contact Jason Razo at (817) 276-6589 or the undersigned at (817) 860-8252.

Sincerely,

***/RA/***

Anthony D. Gaines, Chief  
Nuclear Material Safety Branch A

Docket. 030-32290  
License. 11-27346-01

Enclosures:

1. Notice of Violation
2. Information Notice 96-28

cc w/enclosure:

Mark Dietrich  
Technical Services Administrator  
Idaho Dept. of Environmental Quality  
1410 North Hilton  
Boise, Idaho 83706

cc w/enclosure:

- E. Collins, RA
- A. Howell, D:DNMS
- C. Cain, DD:DNMS
- A. Gaines, C:NMSB-A
- J. Whitten, C:NMSB-B
- J. Razo, NMSB-A
- M. Herrera, Fee Coordinator

Hard Copy:

RIV Materials Docket File (5<sup>th</sup> Floor)

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Final R:\\_dnms\2009

ADAMS	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> SUNSI Review Complete	Reviewer Initials: JMR
<b>Category B.1</b>	<input checked="" type="checkbox"/> Publicly Available		<input checked="" type="checkbox"/> Non-sensitive	
<b>Category A</b>	<input type="checkbox"/> Non-publicly Available		<input type="checkbox"/> Sensitive	
<b>KEYWORD:</b>			<b>Sensitive</b>	
NMSB-A	C:NMSB-A			
JMRazo	ADGaines			
<b>/RA/</b>	<b>/RA/</b>			
09/28/2009	09/28/2009			

OFFICIAL RECORD COPY

T=Telephone

E=E-mail

F=Fax

## NOTICE OF VIOLATION

Eastern Idaho Health Services, Inc.  
Idaho Falls, Idaho

Docket: 030-32290  
License: 11-27346-01

During an NRC inspection conducted on August 26, 2009, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

License condition 14 of NRC Materials License 11-27346-01, Amendment 26, states, in part, that the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures in the license application dated December 26, 2002.

Item 10: SAFE USE OF UNSEALED LICENSED MATERIAL, of the application states, in part, that the licensee "will implement and maintain written procedures for safe use of unsealed licensed material that meet the requirements of 10 CFR 20.1101 AND OF 10 CFR 20.1301."

Eastern Idaho Regional Medical Center, Policy and Procedure Number 10.4, Revision dated November 2006, "SAFE USE OF RADIOPHARMACEUTICALS," step 7 states, in part, that Eastern Idaho Regional Medical Center personnel wear personnel monitoring devices at all times while in areas where radioactive materials are used or stored.

Contrary to the above, on August 26, 2009, licensee personnel failed to wear personnel monitoring devices at all times while in areas where radioactive materials are used or stored. Specifically, an authorized user injected a patient with unsealed technetium-99m for a lymphoscintigraphy procedure while not wearing required dosimetry.

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

Pursuant to the provisions of 10 CFR 2.201, Eastern Idaho Health Services, Inc., is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator, Region IV 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: (1) the reason for the violation or, if contested, the basis for disputing the violation or severity level, (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 was, or 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, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

ENCLOSURE 1

Because 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's Web site at [www.nrc.gov/reading-rm/pdr.html](http://www.nrc.gov/reading-rm/pdr.html) or [www.nrc.gov/reading-rm/adams.html](http://www.nrc.gov/reading-rm/adams.html), to the extent possible, it 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, then 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 material, 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 withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within 2 working days.

Dated this 28th day of September 2009