



UNITED STATES
NUCLEAR REGULATORY COMMISSION

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

September 28, 2009

Dan Cochran
Chief Operating Officer
Bingham Memorial Hospital
98 Poplar Street
Blackfoot, Idaho 83221

SUBJECT: NRC INSPECTION REPORT 030-33056/09-01 AND NOTICE OF VIOLATION

Dear Mr. Cochran:

This refers to the inspection conducted on August 28, 2009, at your facility in Blackfoot, Idaho. This inspection was an examination of activities conducted under your NRC materials 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 Lisa Wells and Dr. Cardinal at the conclusion of the onsite inspection. A final exit briefing was conducted with Lisa Wells of your staff on September 10, 2009. The enclosed report presents the results of this inspection.

Based on the results of the inspection, the NRC has determined that two Severity Level IV violations of NRC requirements occurred. These violations were 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. The violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in detail in the subject inspection report. The violations are being cited in the Notice because they were identified by the NRC during the inspection. The violations involved a failure to perform contamination wipes at the required intervals and a failure to perform annual audits of the radiation safety program.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. For your consideration and convenience, an excerpt from NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," is enclosed. 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 enclosures, 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.

Bingham Memorial Hospital

- 2 -

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 030-33056
License 11-27459-01

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 (5th Floor)

S:\DNMS\!NMIB\!Razo\Inspections\idaho\2009-08\final docs\Bingham CL and NOV IR 09-01.doc

Final R:_dnms\2009

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

OFFICIAL RECORD COPY T=Telephone E=E-mail F=Fax

NOTICE OF VIOLATION

Bingham Memorial Hospital
Blackfoot, Idaho

Docket: 030-33056
License: 11-27459-01

During an NRC inspection conducted on August 28, 2009, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 20.1101(c) requires, in part, that the licensee shall periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, since the last inspection in 2004, through August 28, 2009, the licensee failed to periodically (at least annually) review the radiation protection program content and implementation.

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

- B. License Condition 15 of NRC Materials License 11-27459-01, Amendment 2, 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 February 24, 2003.

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."

Bingham Memorial Hospital and Extended Care Facility, Rules for Safe Use of Radiopharmaceuticals, Reference # 306, Version 3, Policy K states, in part, that wipe tests of radioactive material storage, preparation, and administration areas be performed weekly for contamination.

Contrary to the above, on multiple weeks since the last inspection in 2004, through August 28, 2009, licensee personnel failed to wipe test radioactive material storage, preparation, and administration areas weekly for contamination. Specifically, storage and use areas were wipe tested for contamination at intervals exceeding one week.

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

Pursuant to the provisions of 10 CFR 2.201, Bingham Memorial Hospital 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 for each violation: (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

ENCLOSURE 1

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, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

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 Web site at www.nrc.gov/reading-rm/pdr.html or www.nrc.gov/reading-rm/adams.html, to the extent possible, it should not include any personal privacy 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). 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