



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

March 13, 2019

Danny L. Davis, CNMT
Radiation Safety Officer
Teton Nuclear Medicine Service, LLC
2001 South Woodruff Avenue, Suite 20
Idaho Falls, Idaho 83404-6370

SUBJECT: NRC INSPECTION 030-32428/2019-001 AND NOTICE OF VIOLATION

Dear Mr. Davis:

This letter refers to the unannounced inspection conducted on February 14, 2019, at your facilities in Idaho Falls, Idaho. The inspection was an examination of activities conducted under your license as they relate to public health and safety, to confirm compliance with the U.S. Nuclear Regulatory Commission's (NRC's) rules, regulations, and with the conditions of your license. Within these areas, the inspection consisted of observations of activities, independent radiation surveys, and interviews with personnel. The preliminary inspection findings were discussed with you at the conclusion of the onsite portion of the inspection on February 14, 2019. A final telephonic exit briefing was conducted with you on March 8, 2019.

Based on the results of this inspection, the NRC has determined two Severity Level IV violations of NRC requirements occurred. These violations were evaluated in accordance with the NRC Enforcement Policy, which can be found at the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violations are cited and described in the enclosed Notice of Violation (Notice) because they were identified by the NRC during the inspection. The violations involved the failure to conduct surveys in accordance with the requirements in 10 CFR Part 35 for (1) areas of use, and (2) byproduct material after being held for decay-in-storage prior to being released.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The guidance in NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be helpful in preparing your response. You can find the Information Notice on the NRC website at: <http://pbadupws.nrc.gov/docs/ML0612/ML061240509.pdf>. Information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance will be (was) achieved should be addressed. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," 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 Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Should you have any questions regarding this letter or the enclosed Notice, please contact Jason vonEhr at 817-200-1186, or the undersigned at 817-200-1455.

Sincerely,

/RA/

Patricia A. Silva, Chief
Materials Licensing and Inspection Branch
Division of Nuclear Materials Safety

Docket: 030-32428
License: 11-27404-01

Enclosure:
Notice of Violation (Notice)

cc:
Kerry L. Martin, Manager
Idaho Dept. of Environmental Quality

NRC INSPECTION REPORT 030-32428/2019-001 - DATED March 13, 2019

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NOTICE OF VIOLATION

Teton Nuclear Medicine Service, LLC
Idaho Falls, ID

Docket No.: 030-32428
License No.: 11-27404-01

During an NRC inspection conducted on February 14, 2018, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A) 10 CFR 35.70(a) requires that in addition to the surveys required by 10 CFR Part 20, a licensee shall survey with a radiation detection survey instrument at the end of each day of use. A licensee shall survey all areas where unsealed byproduct material requiring a written directive was prepared for use or administered.

Contrary to the above, on numerous occasions between October 15, 2015, and February 14, 2018, the licensee failed to survey with a radiation detection survey instrument at the end of each day of use in all areas where unsealed byproduct material requiring a written directive was prepared for use or administered. Specifically, the licensee conducted beginning of day surveys in its locations of use for unsealed radioactive material, but did not conduct any survey at the end of each day in accordance with 10 CFR 35.70(a).

This is a Severity Level IV violation (NRC Enforcement Policy Section 6.3.d)

- B) 10 CFR 35.92(a) requires, in part, that a licensee may hold byproduct material with a physical half-life of less than or equal to 120 days for decay-in-storage before disposal without regard to its radioactivity if it monitors byproduct material at the surface before disposal and determines that its radioactivity cannot be distinguished from the background radiation level with an appropriate radiation detection survey meter set on its most sensitive scale and with no interposed shielding.

Contrary to the above, on numerous occasions between October 15, 2015, and February 14, 2018, the licensee held byproduct material with a physical half-life of less than or equal to 120 days for decay-in-storage before disposal without regard to its radioactivity and failed to monitor the byproduct material at the surface before disposal and determine that its radioactivity cannot be distinguished from the background radiation level with an appropriate radiation detection survey meter set on its most sensitive scale and with no interposed shielding. Specifically, the licensee was disposing of (non-sharp) materials and equipment such as gloves, linens, IV-tubing, and other articles potentially contaminated with byproduct material with a half-life less than 120 days as non-radioactive without any survey or evaluation of the material.

This is a Severity Level IV violation (NRC Enforcement Policy Section 6.3.d)

Pursuant to the provisions of 10 CFR 2.201, Teton Nuclear Medicine Service, LLC 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, 1600 E. Lamar Blvd., Arlington, Texas 76011, 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 violations, or, if contested, the basis for disputing the violation or severity level; (2) the corrective steps that

Enclosure

have been taken and the results achieved; (3) the corrective steps that will be taken; and (4) the date when full compliance 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 requiring information 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.

Your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy or proprietary 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 of receipt.

Dated this 13th day of March 2019