



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
1600 EAST LAMAR BOULEVARD  
ARLINGTON, TEXAS 76011-4511

May 14, 2019

Mr. David J. Eastman, M.E.H.S.  
Radiation Safety Officer  
Prairie Lakes Healthcare System, Inc.  
401 9<sup>th</sup> Avenue Northwest  
P.O. Box 1210  
Watertown, SD 57201-6210

SUBJECT: NRC ROUTINE INSPECTION REPORT 030-11624/2019-001 AND NOTICE OF VIOLATION

Dear Mr. Eastman:

This letter refers to the routine, unannounced inspection conducted on March 6, 2019, at your facility in Watertown, South Dakota. 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 a selected examination of procedures and representative records, observations of licensed activities, and interviews with personnel. On March 6, 2019, at the conclusion of the onsite portion of the inspection, the inspector discussed the preliminary inspection findings with Jenna Hulscher, Director of Radiology. A final exit briefing was conducted with you telephonically on May 14, 2019.

Based on the results of this inspection, the NRC has determined that two Severity Level IV violations of NRC requirements occurred. The violations were evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violations involved a non-conservative evaluation of occupational exposure and the failure of a licensee employee to wear their assigned personnel monitor. The violations are being cited in the enclosed Notice of Violation (Notice) because the NRC identified the violations during the inspection.

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. You can find the Information Notice on the NRC website at: <http://pbadupws.nrc.gov/docs/ML0612/ML061240509.pdf>. 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>. 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.

Should you have any questions regarding this letter or the enclosed Notice, please contact Allyce B. Bolger at 817-200-1197 or the undersigned at 817-200-1455.

Sincerely,

/RA/

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

Docket: 030-11624  
License: 40-16775-01

Enclosure:  
Notice of Violation (Notice)

cc:  
John Priest, Director  
South Dakota Radiation Control Program

NRC ROUTINE INSPECTION REPORT 030-11624/2019-001 AND NOTICE OF VIOLATION  
DATED May 14, 2019

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ADAMS ACCESSION NUMBER: ML19135A332

X SUNSI Review: ADAMS:  Non-Publicly Available X Non-Sensitive Keyword:  
By: ABB X Yes  No X Publicly Available  Sensitive

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## NOTICE OF VIOLATION

Prairie Lakes Healthcare System  
Watertown, SD

Docket No.: 030-11624  
License No.: 40-16775-01

During an NRC inspection conducted on March 6, 2019, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. License Condition 18 of NRC License 40-16775-01, Amendment 30, requires, in part, that the licensee shall conduct its program in accordance with license application dated June 3, 2013. The enclosure in license application dated June 3, 2013, "Radiation Safety Manual," Section 12, "Safe Handling Practices for Radioactive Material," states that those individuals required to be monitored shall wear personnel monitoring devices at all times in areas where exposure potential exists.

Contrary to the above, on March 6, 2019, the licensee failed to ensure that individuals requiring monitoring wear their personnel monitoring devices as all times in areas where exposure potential exists. Specifically, a nurse assisting patients receiving radiopharmaceutical injections was not wearing their assigned personnel monitor.

This is a Severity Level IV violation (Section 6.7.d)

- B. 10 CFR 20.1101(a) requires, in part, that each licensee implement a radiation protection program commensurate with the scope and extent of licensed activities and sufficient to ensure compliance with the provisions of 10 CFR Part 20.

Contrary to the above, from January 1, 2018, through March 6, 2019, the licensee failed to implement a radiation protection program commensurate with the scope and extent of licensed activities and sufficient to ensure compliance with the provisions of 10 CFR Part 20. Specifically, the licensee erroneously assigned a non-conservative correction factor to the dosimetry reports for nurses who are exposed to licensed and unlicensed radiation sources. The correction factor, to account for the nurses use of a lead apron in the catherization lab, also reduces the nurses' exposure in the nuclear medicine department when the lead apron is not worn.

This is a Severity Level IV violation (Section 6.7.d)

Pursuant to the provisions of 10 CFR 2.201, Prairie Lakes Healthcare System 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; 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

Enclosure

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 two working days of receipt.

Dated this 14<sup>th</sup> day of May 2019