



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

September 25, 2019

Laura Clark
Compliance Officer
Minidoka Memorial Hospital
1224 8th Street
Rupert, Idaho 83350

SUBJECT: NRC INSPECTION 030-33775/2019-001 AND NOTICE OF VIOLATION

Dear Ms. Clark:

This letter refers to the announced inspection conducted on July 25, 2019, at your facility in Rupert, 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 a selected examination of procedures and representative records, observations of licensed activities, and interviews with personnel. The inspection findings were discussed with your radiation safety officer during a telephonic exit meeting on August 27, 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, 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 in the enclosed Notice of Violation (Notice) because they were identified by the NRC during the inspection. The violations were a failure to develop, implement and maintain procedures, and a failure to provide training on written radiation protection procedures to supervised users handling 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 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 (1) the reason for the violation, (2) the corrective actions already taken, (3) those planned to correct the violation and prevent recurrence, and (4) the date when full compliance will be (was) achieved needs to 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.

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 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 Title 10 of the Code of Federal Regulations (CFR) 2.390(b) to support a request for withholding confidential commercial or financial information).

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 C. Dykert at 817-200-1427 or the undersigned at 817-200-1455.

Sincerely,

/RA/

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

Docket No.: 030-33775
License No.: 11-29085-01

Enclosure:
Notice of Violation

cc w/enclosure:
Mark Dietrich, Technical Services Administrator
Idaho Radiation Control Program

NRC INSPECTION 030-33775/2019-001 AND NOTICE OF VIOLATION DATED -
DATED SEPTEMBER 25, 2019

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ADAMS ACCESSION NUMBER: ML19270J774

SUNSI Review: ADAMS: Non-Publicly Available Non-Sensitive Keyword:
By: JCD Yes No Publicly Available Sensitive NRC-002

OFFICE	HP:MIB	C:MIB	
NAME	JCDykert	PASilva	
SIGNATURE	/RA/	/RA/	
DATE	9/20/2019	9/25/2019	

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NOTICE OF VIOLATION

Minidoka Memorial Hospital
Rupert, Idaho

Docket No. 030-33775
License No. 11-29085-01

During an NRC inspection conducted on July 25, 2019, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. License Condition 15 A. of NRC License 11-29085-01, in Amendment 12, dated January 16, 2016, and Amendment 9, dated January 6, 2014, requires, in part, that the licensee conduct its program in accordance with the license renewal applications dated March 30, 2015, and January 11, 2005. Both license renewal applications require that Minidoka Memorial Hospital develop, implement, and maintain written procedures for area surveys, safe use of unsealed byproduct material, safe response to spills of licensed material, and waste disposal procedures for licensed material.

Contrary to the above, since June 2014, the licensee failed to conduct its program in accordance with the license application by failing to develop, implement, and maintain written procedures for area surveys, safe use of unsealed byproduct material, safe response to spills of licensed material, and waste disposal procedures for licensed material. Specifically, when a previous nuclear medicine technologist left the licensee's employment, procedures that had been developed could not be located and the licensee did not develop, implement, and maintain replacement procedures.

This is a Severity Level IV violation (Section 6.3.d.3).

- B. 10 CFR 35.27 requires, in part, that a licensee that permits the receipt, possession, use, or transfer of byproduct material by an individual under the supervision of an authorized user, as allowed by § 35.11(b)(1), shall, in addition to the requirements in § 19.12 of this chapter, instruct the supervised individual in the licensee's written radiation protection procedures.

Contrary to the above, in 2014, the licensee failed to instruct a supervised individual in the licensee's written radiation protection procedures. Specifically, in 2014 when written radiation protection procedures were available, training was not provided on those procedures to the new nuclear medicine technologist staff member.

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

Pursuant to the provisions of 10 CFR 2.201, Minidoka 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, 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 for the 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; and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence

Enclosure

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, 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*).

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

Dated this 25 day of September 2019