# APPENDIX

## NOTICE OF VIOLATION

Bingham Memorial Hospital
Blackfoot, Idaho 83221

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

During an NRC inspection conducted on November 3-4, 1993, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the violations are listed below:

A. 10 CFR 35.49(a) requires, in part, that a licensee use for medical use only byproduct material manufactured, labeled, packaged, and distributed in accordance with a license issued pursuant to the regulations in 10 CFR Part 30 and Sections 32.72, 32.73, or 32.74, or the equivalent regulations of an Agreement State.

Contrary to the above, between March 4 and November 4, 1993, the licensee administered to patients technetium-99m labeled radiopharmaceuticals which were not manufactured, labeled, packaged, and distributed in accordance with a license issued pursuant to the regulations in 10 CFR part 30 and Sections 32.72, 32.73, or 32.74, or the equivalent regulations of an Agreement State. The licensee had procured the radiopharmaceuticals from Teton Nuclear Medicine Service, an organization which is not authorized to label, package, or distribute technetium-99m labeled radiopharmaceuticals pursuant to the regulations in 10 CFR Part 30 and Sections 32,72, 32.73, or 32.74, or the equivalent regulations of an Agreement State.

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

B. 10 CFR 35.21(a) requires that the licensee, through the Radiation Safety Officer, ensure that radiation safety activities are being performed in accordance with approved procedures. The licensee's procedures for radiation exposure monitoring are described in the application dated January 19, 1993, and were approved by License Condition No. 15.

The application dated January 19, 1993, states in Item 9.4 that the hospital will follow model procedures outlined in Appendix D of Regulatory Guide 10.8, Revision 2. Appendix D states, in part, that all individuals who handle radioactive material will be issued a film or TLD monitor that will be processed by a contract service on a monthly basis.

Contrary to the above, between March 4 and November 4, 1993, the licensee through its Radiation Safety Officer, failed to ensure that radiation safety activities were being performed in accordance with the above procedures. Specifically, individuals who handled radioactive material in the nuclear medicine department were not issued a film or TLD monitor.

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

C. 10 CFR 35.52(a)(3) requires that a licensee conspicuously note the apparent exposure rate from a dedicated check source, as determined at the time of calibration, and the date of calibration on any survey instrument used to show compliance with 10 CFR Part 35.

Contrary to the above, as of November 4, 1993, the licensee did not have the apparent exposure rate from a dedicated check source as determined at the time of calibration noted on its Bicron 2000 survey instrument, and the licensee was using this survey instrument to show compliance with 10 CFR Part 35.

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, D.C. 20555, with a copy to the Regional Administrator, Region IV, 611 Ryan Plaza Drive, Suite 400, 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 each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (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 will be achieved. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued to show cause 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.

Dated at Arlington, Texas
this 16thday of December 1993