

AUG - 8 1991

Docket No. 030-13778/91-01
License No. 40-18000-01
EA 91-109

St. Luke's Midland Regional Medical Center
ATTN: Byron Peterson
Assistant Administrator
305 South State Street
Aberdeen, South Dakota 57401

Gentlemen:

SUBJECT: NRC INSPECTION REPORT NO. 030-13778/91-01

This refers to the routine, unannounced radiation safety inspection conducted by Mr. Mark R. Shaffer of this office on July 24, 1991, of activities authorized by NRC Byproduct Material License No. 40-18000-01, and to the discussion of our findings held by the inspector with members of your staff at the conclusion of the inspection. The enclosed NRC Inspection Report No. 030-13778/91-01 documents this inspection.

The inspection was an examination of the activities conducted under the license as they relate to radiation safety and to compliance with the Commission's rules and regulations and the conditions of the license. The inspection consisted of selective examinations of procedures and representative records, interviews of personnel, independent measurements, and observations by the inspector.

Based on the results of this inspection, a number of apparent violations are being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), 10 CFR Part 2, Appendix C (1991). Accordingly, no Notice of Violation is presently being issued for these inspection findings. In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review.

This inspection revealed an apparent lack of management oversight of the radiation safety program. This lack of attention to programmatic requirements contributed to a potential for health and safety risks. NRC holds the licensee and, in particular, the Radiation Safety Officer (RSO) accountable for ensuring the overall effectiveness and compliance of the radiation safety program with the Commission's rules and regulations, and conditions of your license. Although the inspector observed that your RSO had identified some program deficiencies, it was noted that corrective measures were not taken to effectively address these issues. In addition, followup audits were apparently not conducted to ensure that corrective measures were implemented.

RIV:NMSIS *ms*
MRShaffer:jk
8/8/91

C:NMSIS *ms*
CLCain
8/8/91

~~EO~~
~~GFSanborn~~
~~8/8/91~~

D:DRSS
ABBeach
8/8/91

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As discussed and confirmed during your telephone conversation with Mr. Charles Cain of my staff on August 8, 1991, an enforcement conference to discuss these apparent violations has been scheduled for August 14, 1991, at 1:00 p.m. The purposes of this conference are to discuss the apparent violations, their causes, and safety significance; to provide you the opportunity to describe your understanding of the issues raised to provide you an opportunity to describe your corrective actions; and to discuss any other information that will help us determine the appropriate enforcement action in accordance with the Enforcement Policy. The agenda for this conference is included as Appendix B to this letter. You will be advised by separate correspondence after the enforcement conference of the results of our deliberations on this matter.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice" a copy of this letter and its enclosures will be placed in the NRC Public Document Room.

Should you have any questions concerning this letter, we will be pleased to discuss them with you.

Sincerely,

Original Signed By:

A. B. BEACH

A. Bill Beach, Director
Division of Radiation Safety
and Safeguards

Enclosures:

1. Appendix A - NRC Inspection Report
030-13778/91-01
2. Appendix B - Enforcement Conference Agenda

cc w/enclosures:

South Dakota Radiation Control Program Director

bcc:

DMB - Original (IE-07)
RDMartin
ABBeach
LAYandell
MRodriguez, OC/LFDCB (4503)
WLFisher
CLCain
MRShaffer
NMSIS
MIS System
RIV Files (2)
RSTS Operator
REHall, URFO
GFSanborn
JLieberman, OE