



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

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

November 25, 2022

EA-22-113

Derrick Swaner  
Manager of Cardiology and Medical Imaging  
Idaho Falls Community Hospital, LLC  
2327 Coronado Street  
Idaho Falls, ID 83404

SUBJECT: NRC INSPECTION REPORT 030-39202/2022-001; NOTICE OF VIOLATION  
AND EXERCISE OF ENFORCEMENT DISCRETION

Dear Derrick Swaner:

This letter refers to the unannounced routine inspection that was performed on October 25, 2022, at your facility 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 (NRC) rules, regulations, and with the conditions of your license. Within these areas, the inspection consisted of a selected examination of procedures and representative records, observation of licensed activities, independent radiation measurements, and interviews with personnel. The inspectors discussed the preliminary inspection findings with you and members of your staff at the conclusion of the onsite inspection on October 25, 2022. A final exit briefing was conducted with you and Casey Jackman on November 14, 2022.

Based on the results of this inspection, a violation of Title 10 of the *Code of Federal Regulations* (10 CFR) 30.34(c) was identified and is described in the attached Notice of Violation (Notice). The violation was evaluated in accordance with the NRC Enforcement Policy which can be found at the NRC's website at <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. In accordance with the Enforcement Policy, this violation would normally be categorized at Severity Level III and considered for escalated enforcement action. However, in accordance with NRC Enforcement Guidance Memorandum 20-003, "Interim Guidance for Dispositioning Violations of Licensed Material Possession and Use Limits," issued July 15, 2020, the NRC is exercising enforcement discretion to categorize this violation as a Severity Level IV violation.

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: <https://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>. Information regarding the reason for the violation, the corrective actions taken and planned to correct the violation 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, the enclosure, and your response, will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's ADAMS, accessible from the NRC website 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 James Thompson at (817) 200-1538, or the undersigned at (817) 200-1455.

Sincerely,



Signed by Roldan-Otero, Lizette  
on 11/25/22

Lizette Roldán-Otero, PhD, Chief  
Materials Inspection Branch  
Division of Radiological Safety and Security

Docket No. 030-39202  
License No. 11-35569-01

Enclosure:  
Notice of Violation (Notice)

cc w/Enclosure:  
Mark Dietrich, PE, Technical Services Administrator  
Emergency Response Coordinator  
Idaho Department of Environmental Quality  
1410 N Hilton St  
Boise, ID 83706  
[mark.dietrich@deq.idaho.gov](mailto:mark.dietrich@deq.idaho.gov)

NRC INSPECTION REPORT 030-39202/2022-001; NOTICE OF VIOLATION AND EXERCISE OF ENFORCEMENT DISCRETION – DATED NOVEMBER 25, 2022

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## NOTICE OF VIOLATION

Idaho Falls Community Hospital, LLC  
Idaho Falls, Idaho

Docket No. 030-39202  
License No. 11-35569-01  
EA-22-113

During an NRC inspection performed on October 25, 2022, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 30.34(c) requires, in part, that each person licensed by the Commission shall confine his possession of byproduct material to purposes authorized in the license.

License Conditions 6.C through 8.C of NRC License No. 11-35569-01, Amendment No. 1, Corrected Copy dated January 20, 2022, states, in part, that the maximum amount of iodine-131 that the license may possess at any one time under this license is 400 millicuries.

Contrary to the above, on July 12, 2022, the licensee failed to confine the possession of byproduct material to the purposes authorized in the license. Specifically, the licensee had in its possession 424.8 millicuries of iodine-131, a quantity in excess of the maximum possession limit of 400 millicuries authorized in the license.

This is a Severity Level IV violation (Enforcement Guidance Memorandum 20-003).

Pursuant to 10 CFR 2.201, Idaho Falls Community Hospital, 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 Director, Division of Radiological Safety and Security, U.S. Nuclear Regulatory Commission Region IV, 1600 E. Lamar Blvd., Arlington, Texas 76011, and emailed to [Lizette.Roldan-Otero@nrc.gov](mailto:Lizette.Roldan-Otero@nrc.gov) 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; EA-22-113" 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 was or 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 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.

Because 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 website at <http://www.nrc.gov/reading-rm/adams.html>, to the extent possible, it should not include any personal privacy or proprietary information so that it can be made available to the public without redaction.

Enclosure

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 that such material is withheld from public disclosure, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim (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).

Dated this 25th day of November 2022