



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
612 EAST LAMAR BLVD, SUITE 400  
ARLINGTON, TEXAS 76011-4125

May 30, 2008

Pamela H. Bernard, RN, MSN  
Chief Operating Officer  
St. Luke's Regional Medical Center  
190 E. Bannock  
Boise, Idaho 3712

SUBJECT: NRC INSPECTION REPORT 030-32196/07-001 AND NOTICE OF VIOLATION

Dear Ms. Bernard:

This letter refers to the inspection conducted on June 25-28, 2007, at your facilities located in Boise, Meridian, and Twin Falls, Idaho. The inspection examined activities conducted under your license as they relate to radiation safety and compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observation of activities, independent measurements, and interviews with personnel. We recognize that there has been considerable delay between the date of the onsite inspection and the date of the final telephonic exit with you. This delay was due, in part, to careful consideration of the violation and your corrective actions. The preliminary inspection findings were discussed with you at the conclusion of the onsite portion of the inspection. A final exit briefing was conducted telephonically with your radiation safety officer on May 19, 2008.

Based on the results of this inspection, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy included on the NRC's Website at [www.nrc.gov/about-nrc/regulatory/enforcement.html](http://www.nrc.gov/about-nrc/regulatory/enforcement.html).

The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in the subject Notice. The violation is being cited in the Notice because it was identified by the NRC, rather than being identified by the licensee.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. For your consideration and convenience, an excerpt from NRC Information Notice 96-28, "SUGGESTED GUIDANCE RELATING TO DEVELOPMENT AND IMPLEMENTATION OF CORRECTIVE ACTION," is enclosed. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," 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 document 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 you have any questions concerning the aforementioned inspection or the enclosed Notice, please contact Mr. Richard Leonardi at (817) 860-8187 or the undersigned at (817) 860-8287.

Sincerely,

/RA/

Vivian H. Campbell, Chief  
Nuclear Materials Safety Branch A

Docket No.: 030-32196  
License No.: 11-27312-01

Enclosures:

- (1) Notice of Violation
- (2) Excerpt from NRC Information Notice 96-28

cc w/Enclosure:

Idaho Radiation Control Program Director

cc w/enclosure  
ATHowell  
CLCain  
VHCampbell  
JEWhitten  
RALeonardi  
NMIB  
RIV Materials Docket File (5th Floor)

SUNSI Review Completed: RAL\_\_\_\_\_ADAMS: X Yes No Initials: RAL  
 Publicly Available  Non-Sensitive

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RIV:DNMS:NMSB-A	C:NMSB-A
RALeonardi	VHCampbell
<b><i>VHCampbell for /RA/</i></b>	<b><i>/RA/</i></b>
05/30/08	05/30/08

OFFICIAL RECORD COPY T=Telephone E=E-mail F=Fax

## NOTICE OF VIOLATION

St. Luke's Regional Medical Center  
Boise, Idaho

Docket No. 030-32196  
License No.: 11-27312-01

During an NRC inspection conducted on June 25-28, 2007, one violation of NRC requirements was identified. In accordance with the Enforcement Policy, the violation is listed below:

10 CFR 20.2104(a) requires, in part, that each individual who is likely to receive in a year an occupational dose requiring monitoring pursuant to 10 CFR 20.1502, that the licensee shall determine the occupational radiation dose received during the current year.

10 CFR 20.1502 requires that each licensee monitor exposures to radiation and radioactive materials at levels sufficient to demonstrate compliance with the occupational dose limits of 10 CFR Part 20. As a minimum, each licensee shall monitor occupational exposure to radiation from licensed and unlicensed radiation sources under the control of the licensee and shall supply and require the use of individual monitoring devices by adults likely to receive, in 1 year, a dose in excess of 10 percent of the limits.

Contrary to the above, as of June 28, 2007, for each individual who was likely to receive in a year an occupational dose requiring monitoring pursuant to 10 CFR 20.1502, the licensee did not determine the occupational radiation dose received during the current year from radiation sources under the control of the licensee. Specifically, a medical physicist on staff at the licensee's satellite radiation therapy treatment facility located in Twin Falls, Idaho, was not monitored by the licensee during the period of June 2006 through June 2007 for exposure received while conducting licensed activities at the licensee's facility. The medical physicist had worn personnel monitoring provided by and used by another NRC licensee while conducting licensed activities at the licensee's satellite radiation therapy treatment facility.

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

Pursuant to the provisions of 10 CFR 2.201, St. Luke's Regional Medical Center is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, 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 for each 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 to avoid further violations, 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 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.

Enclosure 1

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 from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>, to the extent possible, it 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 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you are required to post this Notice within two working days.

Dated this 30<sup>th</sup> day of May