



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

May 13, 2020

Mr. Todd Forkel, Regional  
President And Chief  
Executive Officer  
Avera St. Luke's  
dba Avera St. Luke's  
Hospital 305 South  
State Street Aberdeen,  
SD 57401

SUBJECT: RESPONSE TO NRC INSPECTION REPORT 030-13778/2019-001, NOTICE OF VIOLATION

Dear Mr. Forkel:

On March 11, 2020, the U.S. Nuclear Regulatory Commission (NRC) cited Avera St. Luke's for three violations that involved the failures to: (A) monitor occupational exposure of workers from licensed and unlicensed sources of radiation; (B) develop and implement certain elements of your radiation protection program; and (C) submit a written report to the NRC within 30 days of discovery of a situation covered under Title 10 of the *Code of Federal Regulations* (10 CFR) 20.2203; specifically, an occupational exposure in excess of the annual limits in 10 CFR 20.1201.

The NRC Inspection Report 030-13778/2019-001 with enclosed Notice of Violation (Notice) required you to respond in writing in 30 days (NRC Agencywide Documents Access and Management System (ADAMS) Accession No. ML20071J427), which was extended by an additional 30 days following your written request dated April 9, 2020, (Accession No. ML20101G747). In a letter dated May 5, 2020, you provided your response to the Notice of Violation (ADAMS Accession No. ML20129J808).

After reviewing the information provided in your response to the Notice, we have concluded that your completed and proposed actions appear to adequately address the regulatory noncompliances described in the Notice. We will review your implementation of these corrective actions during a future inspection to determine whether full compliance has been restored and whether compliance will be maintained.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedures," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's ADAMS, accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

**Patricia A.**  
**Silva**

Digitally signed by  
Patricia A. Silva  
Date: 2020.05.13  
10:31:04 -05'00'

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

Docket: 030-13778  
License: 40-18000-01

cc:  
John Priest  
South Dakota Department of Health

RESPONSE TO NRC INSPECTION REPORT 030-13778/2019-001, NOTICE OF VIOLATION -  
DATED May 13, 2018

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ADAMS ACCESSION NUMBER:

☒ SUNSI Review:

ADAMS:

☐ Non-Publicly Available

☒ Non-Sensitive

Keyword:

By: JEV

☒ Yes ☐ No

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NRC-002

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