



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

March 11, 2011

Mr. Douglas A. McMillan
Chief Executive Officer
West Park Hospital
707 Sheridan Avenue
Cody, Wyoming 82414

SUBJECT: RESPONSE TO NRC INSPECTION REPORT 030-14695/2010-001
AND NOTICE OF VIOLATION

Dear Mr. McMillan:

Thank you for your letter received February 16, 2011, in response to the violation identified in our letter and Notice of Violation (Notice) dated January 19, 2011. We have reviewed your letter and find it responsive to the concerns raised in our Notice. We will review the implementation of your corrective actions during a future inspection to determine that full compliance has been achieved and will be maintained.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter 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>.

Sincerely,

A handwritten signature in black ink, appearing to read "Vivian H. Campbell".

Vivian H. Campbell, Chief
Nuclear Materials Safety Branch A

Docket: 030-14695
License: 49-18230-01

cc w/copy of licensee's letter
received February 16, 2011:
Wyoming Radiation Control Program Director

cc w/enclosure:

- E. Collins
- C. Caniano
- C. Cain
- J. Whitten
- R4DNMS_MS-A
- M. Herrera, RITS Coordinator

Hard Copy:

- RIV Materials Docket File
- DNMS Secretarial File

S:\DNMS\NMIB\~REPORTS IN CONCURRENCE\WestParkHospitalAckLtr.doc

ADAMS	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	X SUNSI Rev Complete	Reviewer Initials: MMH
Publicly Available	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Sensitivity: Nonsensitive	
RIV: NMSB-A		C: NMSB-A	
JLThompson;dlf		VHCampbell	
MMHammond for		<i>[Signature]</i>	
3/7/11		3/11/11	

OFFICIAL RECORD COPY

T=Telephone

E=E-mail

F=Fax

Karen L. Beemer
Radiology Manager
West Park Hospital
707 Sheridan Ave.
Cody, WY 82414

RECEIVED

FEB 16 2011

DNMS

NRC
Region IV
612 East Lamar Blvd. Suite 400
Arlington, TX 76011-4125

SUBJECT: Response to a Notice of Violation-License 49-18230-01


1. Upon review with SAHAI (the leak test kit provider), the technologists, the radiologist (RSO), and the technical consultant (the health physicist responsible for the annual review), I have determined that the following occurred. Our leak tests for July 2008 and December 2008 are attached. We have no record of leak tests from July 2009 and December 2009. However, I did find leak tests dated 1/13/2010 which, in my opinion, are late leak tests from 12/2009 as they are not part of our routine schedule. I never found any leak tests from July of 2009. It appears that since we were not doing any nuclear due to a lack of generators we omitted this test. The health physicist reviewed the records and stated we had completed our tests and the RSO signed off on this after reviewing his report.

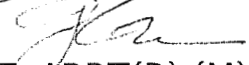
2. The second violation occurred due to a change in process and lack of follow through on the part of the technologists. Previously, we listed our inventory on the wall and updated it quarterly. The process was changed, but this was not implemented by the technologists. Supervision on the part of the manager should have been better.

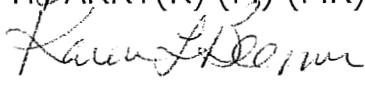
Root cause: I feel that root cause of this problem has been the transfer of responsibility with a lack of accountability on the part of the technologists as well as the manager. Because of a change in personnel, the manager should have been reviewing the tests with more scrutiny than was previously necessary. With our low volume, we do not have staffing issues. We have more than enough time to complete the tasks that are necessary and follow QC procedures.

Action: We immediately performed the tests that had not been done previously and brought the documentation up to standards. The date we performed the tests happened to coincide when they were due. After reviewing the issues we determined that our entire QC plan could be more organized and easier to review. We devised a plan and incorporated that plan into our daily process and also converted the plan to a posted annual schedule of events and responsibilities. On this schedule **all** tests are posted and are checked off when completed. Any person could walk into the lab and see what should be scheduled, what is scheduled on a given day, and if those tasks are complete. The filing system has been revamped to reflect those tasks. The manager will review the posted plan as well as the new written plan on a monthly basis. The manager will also review the quarterly jobs before submitting them to the RSO.

Sincerely,

Doug McMillan, CEO 

Greg Cross, M.D. RSO 

Karen L. Beemer, CNMT, ARRT(R) (M) (MR), RDMS (Manager) 

Enclosures:

1. Notice of Violation
2. Response to violation
3. Leak tests discovered in review



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

January 19, 2011

ATTN: Mr. Douglas A. McMillan
Chief Executive Officer
West Park Hospital
707 Sheridan Avenue
Cody, Wyoming 82414

SUBJECT: NRC INSPECTION REPORT 030-14695/2010-001 AND NOTICE OF VIOLATION

Dear Mr. McMillan:

This refers to the inspection conducted on December 9, 2010, at West Park Hospital in Cody, Wyoming. The purpose of this inspection was to assess the licensee's performance in implementing its radiation safety program.

During this inspection, the NRC staff examined activities conducted under your license as they relate to public health and safety to confirm 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, observations of activities, and interviews with personnel. Preliminary inspection findings were discussed with you and Ms. Karen Beemer at the conclusion of the onsite portion of the inspection.

Based on the results of this inspection, the NRC has determined that two Severity Level IV violations of NRC requirements occurred. These violations were evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at (<http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>).


The violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in detail in the subject inspection report. The violations are being cited in the Notice because they were identified by the NRC during the inspection.

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, NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," is enclosed. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. 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 "Rules of Practice," a copy of this letter, its enclosure(s), and your response, [Add: if you choose to provide one for cases where a response is not required], 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 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 Mr. James L. Thompson at (817) 276-6538 or the undersigned at (817) 860-8287.

Sincerely,



Vivian H. Campbell, Chief
Nuclear Materials Safety Branch A

Docket: 030-14695
License: 49-18230-01

Enclosures:

1. Notice of Violation
2. Information Notice 96-28

cc w/Enclosure 1:

Scott W. Ramsay
Radiological Services Supervisor
Wyoming Office of Homeland Security
2421 E. 7th Street
Cheyenne, WY 82001

NOTICE OF VIOLATION

West Park Hospital
Cody, Wyoming

Docket: 030-14695
License: 49-18230-01

During an NRC inspection conducted on December 9, 2010, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 35.67(b)(2) requires, in part, that the licensee in possession of a sealed source shall test the source for leakage at intervals not to exceed 6 months or at other intervals approved by the Commission.

Contrary to the above, the licensee failed to test sources for leakage at intervals not to exceed 6 months or at other intervals approved by the Commission. Specifically, licensee personnel failed to leak test sealed sources from December 2008 through January 2010.

This is a Severity Level IV violation. (Violation Example 6.3)

- B. License Condition 15 of Amendment 21, Corrected Copy, to NRC Materials License 49-18230-01, states, in part, that the licensee shall conduct a physical inventory every 6 months, or at other intervals approved by the Commission to account for all sources received and possessed under the license.

Contrary to the above, the licensee failed to conduct a physical inventory every 6 months to account for all sources received and possessed under the license. Specifically, licensee personnel failed to perform physical inventories from June 2008 through January 2010.

This is a Severity Level IV violation. (Violation Example 6.3)

Pursuant to the provisions of 10 CFR 2.201, West Park Hospital, 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 Regional Administrator, Region IV, 612 E. Lamar Blvd., 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 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.

ENCLOSURE

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 2.390(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 may be required to post this Notice within two working days.

Dated this 19th of January 2011.