



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

February 10, 2016

EA-15-177

Mr. Thomas Keller, Chief Executive Officer
and President
Ozarks Medical Center
P.O. Box 1100
West Plains, MO 65775

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03014280/2015001(DNMS) AND
NOTICE OF VIOLATION – OZARKS MEDICAL CENTER

Dear Mr. Keller:

This letter refers to the U.S. Nuclear Regulatory Commission (NRC) inspection conducted at your facility in West Plains, Missouri, on August 4, 2015, with continued in-office review through November 19, 2015. The purpose of the inspection was to review activities performed under your NRC license to ensure that activities were being performed in accordance with NRC requirements. During the inspection, an apparent violation of NRC requirements was identified. The significance of the issue and the need for lasting and effective corrective actions were discussed with Dr. Lynn Carlton of your staff during a final exit meeting by telephone on November 19, 2015. Details regarding the apparent violation were provided in NRC Inspection Report No. 03014280/2015001(DNMS) dated October 1, 2015. The inspection report can be found in the NRC's Agencywide Documents Access and Management System (ADAMS) at Accession Number ML15274A447, which is accessible from the NRC's Web site at <http://www.nrc.gov/reading-rm/adams.html>.

In the letter transmitting the inspection report, we provided you with the opportunity to address the apparent violation identified in the report by: (1) providing a written response; or (2) requesting a pre-decisional enforcement conference. On October 26, 2015, you provided a written response.

Based on the information developed during the inspection and the in-office review, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the subject inspection report. The violation concerned the failure to control and maintain constant surveillance of a cobalt-57 sealed source containing greater than 10 times the quantity specified in Appendix C to Title 10 of the *Code of Federal Regulations* (CFR) that was in a controlled area and not in storage, as required by 10 CFR Section 20.1802. Specifically, the source was left unattended in an unlocked gamma camera room and the nuclear medicine department door was unlocked, accessible to members of the public, and unattended for about 30 seconds on most weekdays while a nuclear medicine technologist (NMT) was working in a nearby room. From the nearby room, the NMT did not control and maintain constant surveillance of the unattended source.

The failure to properly secure or control radioactive material is of significance to the NRC because of the potential for unauthorized individuals to access the radioactive material and misuse it, which could result in adverse impacts to the health and safety of the general public. Section 6.7.c.10.b of the NRC Enforcement Policy includes an example of a Severity Level (SL) III violation involving licensed material in any aggregate quantity greater than 10 times the quantity specified in Appendix C to 10 CFR Part 20, where the failure is accompanied by the absence of a functional program to detect and deter security violations that includes training, staff awareness, detection, and corrective action. Although the violation concerned failure to control and maintain constant surveillance of a cobalt-57 sealed source containing greater than 10 times the quantity specified in Appendix C to 10 CFR Part 20, where the failure is accompanied by the absence of a functional program to detect and deter security violations that includes training, staff awareness, detection, and corrective action; the staff was not aware that leaving the source unattended for a short period of time on a routine basis left the material unsecured from unauthorized access, and not under the control and constant surveillance of the licensee; therefore, the violation should be categorized at SL III. Nonetheless, the NRC categorized the violation at Severity Level IV because the likelihood of an unauthorized individual gaining access to the source was not very likely based on the layout of the facility, the source was unattended and unsecured for only a very short duration, and the source was not readily visible when entering the room.

The inspector determined that the root cause of the violation was licensee personnel oversight. Specifically, licensee personnel did not recognize that the cobalt-57 source was not under adequate control or constant surveillance when it was left unattended in unlocked areas while licensee personnel conducted other activities in nearby or adjacent areas. As corrective actions to restore compliance and to prevent recurrence on August 4, 2015, the licensee committed to lock the nuclear medicine department door with access limited only to authorized persons when the source is used for gamma camera quality control tests. As long-term corrective action, the licensee installed locks on the doors of both gamma camera rooms and required the rooms containing the source used for gamma camera quality testing be locked, with access limited only to authorized persons. In addition, the licensee produced a "Securing QC Radiation Sources" policy that stated, in part, that: (1) the nuclear medicine technologist (NMT) must remain in view of the radiation source when performing quality control studies; (2) if the NMT leaves the room, then the room containing the source will be locked; and (3) the NMT will return the source to the locked hot lab when the quality control is finished.

The NRC has concluded that 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 achieved is already adequately addressed on the docket in this letter. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's ADAMS. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made publicly available without redaction.

T. Keller

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Please feel free to contact Mr. Gattone of my staff if you have any questions regarding this inspection. Mr. Gattone can be reached at 630-829-9823.

Sincerely,

/RA/

Aaron T. McCraw, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-14280
License No. 24-18733-01

Enclosure:
Notice of Violation

cc w/encl: Lynn Carlton, M.D., Radiation
Safety Officer
State of Missouri

T. Keller

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Please feel free to contact Robert Gattone of my staff if you have any questions regarding this inspection. Mr. Gattone can be reached at 630-829-9823.

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Aaron T. McCraw, Chief
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Docket No. 030-14280
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Enclosure:
Notice of Violation

cc w/encl: Lynn Carlton, M.D., Radiation
Safety Officer
State of Missouri

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NAME	RGattone:ps		RSkokowski		AMcCraw			
DATE	2/9/2016		2/10/2016		2/10/2016			

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NOTICE OF VIOLATION

Ozarks Medical Center
West Plains, Missouri

License No. 24-18733-01
Docket No. 030-14280
EA-15-177

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on August 4, 2015 with continued in-office review through November 19, 2015, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of the *Code of Federal Regulations* (CFR) 20.1802 requires that the licensee control and maintain constant surveillance of licensed material that is in a controlled or unrestricted area and that is not in storage.

Contrary to the above, between 2012 and July 31, 2015, the licensee did not control or maintain constant surveillance of a nominal 10-millicurie cobalt-57 sheet source (source) that was in a controlled area and that was not in storage. Specifically, the source was left unattended in an unlocked gamma camera room and the nuclear medicine department door was unlocked, accessible to members of the public, and unattended for about 30 seconds on most weekdays while a nuclear medicine technologist (NMT) was working in a nearby room. From the nearby room, the NMT did not control and maintain constant surveillance of the unattended source.

This is a Severity Level IV violation (Section 6.7.d.).

The NRC has concluded that 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 was achieved, is already adequately addressed on the docket in the letter transmitting this Notice of Violation (Notice). However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, IR 03014280/2015001(DNMS); EA-15-177" and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region III, within 30 days of the date of the letter transmitting this Notice.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's 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 publicly available without redaction.

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, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated this 10th day of February, 2016.

Enclosure