



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
611 RYAN PLAZA DRIVE, SUITE 1000
ARLINGTON, TEXAS 76011

FEB -7 1990

Docket No. 030-10133
License No. 49-15978-01
EA 89-216

Ivinson Memorial Hospital
ATTN: Thomas Nord
Chief Executive Officer
255 North 30th Street
Laramie, Wyoming 82070

Gentlemen:

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL
PENALTY - \$1,250 (NRC INSPECTION REPORT 89-01)

This is in reference to the October 26, 1989, inspection of Ivinson Memorial Hospital's radiation safety program associated with its conduct of nuclear medicine activities. This inspection, conducted by Mr. Wesley Holley of my staff, disclosed a number of violations of NRC requirements and resulted in an enforcement conference in NRC's Arlington, Texas office on December 15, 1989.

NRC provided Ivinson Memorial Hospital the results of its inspection in a report dated December 6, 1989. As we stated in the report and during the enforcement conference, the number of violations, recurring nature of some of the violations, and your previous compliance history indicate to NRC a need for an in-depth review of your nuclear medicine program to determine the improvements that may be necessary to assure compliance in the future.

NRC's inspector observed several violations which, when considered collectively, indicate a lack of attention to NRC requirements by the radiation safety committee and the radiation safety officer. These violations were described in detail in the inspection report and indicate a failure on the part of Ivinson Memorial Hospital to meet its basic responsibility to ensure that all license and regulatory requirements are being met. Additionally, the NRC is concerned with what appears to be the declining performance of Ivinson Memorial Hospital with respect to NRC-licensed activities and failure to correct previous violations. Violations A.1, B.1, and B.3.c. in the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) were identified in a 1986 inspection and were not corrected as required.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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NRC does not consider the explanation offered by Ivinson Memorial Hospital, that the consultant failed to conduct the required tests because the hospital failed to contact the consultant, as a valid excuse for having failed to conduct certain required aspects of its radiation safety program.

Ivinson Memorial Hospital cannot delegate its responsibilities for management of the radiation safety program to a consultant who performs various tasks required by licensee's commitments and NRC regulations. The hospital's radiation safety officer must have a thorough understanding of NRC licensed program requirements to provide competent management of the radiation safety program and adequate reviews of consultant activities. Additionally, the radiation safety committee must be regularly advised and be actively involved in the oversight of all NRC licensed activities within your facility to ensure compliance.

Accordingly, the violations in the enclosed Notice have been classified in the aggregate as a Severity Level III problem in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Action," 10 CFR Part 2, Appendix C (1989) (Enforcement Policy).

To emphasize the importance of radiation safety program management, I have been authorized, after consultation with the Director, Office of Enforcement, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$1,250 for the violations described in the enclosed Notice.

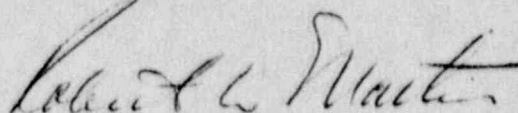
The base value of a civil penalty for a Severity Level III violation or problem is \$2,500. However, the NRC Enforcement Policy allows for escalation or reduction of a civil penalty under certain circumstances. In this case, the base civil penalty has been reduced by 50 percent due to Ivinson's corrective action plans. Although consideration of other factors in this case such as "Identification and reporting" and "Past performance" ordinarily would have resulted in some escalation of the penalty amount, we have decided that escalation of the amount is not warranted because these factors were considered in deciding to treat the violations collectively as a Severity Level III problem.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. The NRC will review your response to this Notice, including your proposed corrective actions, and the results of future inspections to determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Sincerely,



Robert D. Martin
Regional Administrator

Enclosure:
Notice of Violation and
Proposed Imposition
of Civil Penalty

cc:
Wyoming Radiation Control Program Director
NRC Public Document Room

Ivinson Memorial Hospital

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bcc w/encl

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