



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

December 9, 2021

Ms. Amber Mellema
Regional Director of Operations/
Business Development
Rocky Mountain Oncology Center, LLC
6501 East Second Street
Casper, WY 82609

SUBJECT: NRC INSPECTION REPORT 030-37415/2021-001; AND NOTICE OF VIOLATION

Dear Ms. Mellema:

This letter refers to the announced routine inspection conducted on August 18, 2021, at your facility in Casper, Wyoming, with continued in-office review through December 8, 2021. The inspection was an examination of activities conducted under your license as they relate to public health and safety, to confirm compliance with the U.S. Nuclear Regulatory Commission's (NRC's) rules, regulations, and with the conditions of your license. Within these areas, the inspection consisted of a selected examination of procedures and representative records, observation of licensed activities, independent radiation measurements, and interviews with personnel. The inspector discussed the preliminary inspection findings with Mr. Michael Fernald, Radiation Safety Officer; Ms. Pamela Carrel, Business Operations Leader; and you at the conclusion of the onsite portion of the inspection. A final exit briefing was conducted telephonically with Mr. Fernald and you on December 8, 2021.

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 which can be found at the NRC's Web site at <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation is cited in the enclosed Notice of Violation (Notice) because it was identified by the NRC during the inspection. The violation involved the failure to assure operation of the electrical interlock system at the entrance of the room containing the high dose rate brachytherapy remote afterloader unit.

During the inspection, the NRC also reviewed the corrective actions taken to address one violation identified during the NRC routine inspection conducted at your facility in Casper, Wyoming, in September 2018, and one violation issued in May 2020 that was associated with a licensing action. Your corrective actions were reviewed and were determined to adequately address the previously cited violations. The violations are considered closed.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The guidance in NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be helpful in preparing your response. You can find the Information Notice on the

NRC website at: <https://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>. 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 (was) achieved should be addressed. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

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. If personal privacy or proprietary information is necessary to provide an acceptable response, 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 information, 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).

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," 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 ADAMS, accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>.

Should you have any questions regarding this letter or the enclosed Notice, please contact Dr. Janine F. Katanic, CHP, at (817) 200-1151, or the undersigned at (817) 200-1455.

Sincerely,



Signed by Roldan-Otero, Lizette
on 12/09/21

Lizette Roldán-Otero, PhD, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

License No. 49-29254-01
Docket No. 030-37415

Enclosure:
Notice of Violation (Notice)

A. Mellema

3

cc w/Enclosure:

Dan Fonseca

Radiological Program Manager

Wyoming Office of Homeland Security

5500 Bishop Blvd.

Cheyenne, WY 82002

David Adams, CHP

Uranium Recovery Program Manager

Wyoming Dept. of Environmental Quality

Land Quality Division

200 West 17th Street, Suite 10

Cheyenne, WY 82002

SUBJECT: NRC INSPECTION 030-37415/2021-001; AND NOTICE OF VIOLATION – DATED
DECEMBER 9, 2021

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NOTICE OF VIOLATION

Rocky Mountain Oncology Center, LLC
Casper, WY

Docket No. 030-37415
License No. 49-29254-01

During an NRC inspection conducted on August 18, 2021, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 35.643(d) requires, in part, that to satisfy the requirements of 10 CFR 35.643(a), periodic spot-checks for remote afterloader units must, at a minimum, assure operation of the electrical interlocks at each remote afterloader unit room entrance.

10 CFR 35.615(b) requires, in part, that a licensee shall equip each entrance to the treatment room with an electrical interlock system that will: (1) prevent the operator from initiating the treatment cycle unless each treatment room entrance door is closed; (2) cause the source to be shielded when an entrance door is opened; and (3) prevent the source from being exposed following an interlock interruption until all treatment room entrance doors are closed, and the source on-off control is reset at the console.

Contrary to the above, from September 17, 2018, to August 18, 2021, during spot-checks, the licensee failed to assure operation of the electrical interlocks at each remote afterloader unit room entrance. Specifically, on multiple occasions between September 17, 2018, to August 18, 2021, during spot-checks of the licensee's remote afterloader unit, the licensee failed to assure operation of all three required electrical interlock system functions. On multiple occasions, the licensee only assured operation of two of the three required electrical interlock system functions, regularly failing to assure that the electrical interlock will cause the source to be shielded when the entrance door to the afterloader unit room is opened.

This is a Severity Level IV violation (NRC Enforcement Policy, Section 6.3.d.).

Pursuant to 10 CFR 2.201, Rocky Mountain Oncology Center, LLC, 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 Director, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission Region IV, 1600 E. Lamar Blvd., Arlington, Texas 76011, and emailed to Lizette.Roldan@nrc.gov 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: (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, the NRC may issue an order or a demand for information requiring you to explain why your license should not be modified, suspended, or revoked, or why the NRC should not take other action as may be proper. Consideration may be given to extending the response time for good cause shown.

Enclosure

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.

Your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy or proprietary 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).

In accordance with 10 CFR 19.11, you may be required to post this Notice within 2 working days of receipt.

Dated this 9th day of December 2021