UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005

April 26, 2005

Ms. Pam Fulks, CEO
Hospital Administrator
Wyoming Medical Center
1233 East Second Street
Casper, Wyoming 82601

SUBJECT: NRC INSPECTION REPORT 030-03495/05-001 AND NOTICE OF VIOLATION

Dear Ms. Fulks:

This refers to the inspection conducted on March 22, 2005, at your facility in Casper, Wyoming. This inspection was an examination of activities conducted under your license as they relate to safety and 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. The inspection findings were discussed with you and members of your staff at the conclusion of the inspection, and with Dr. Tobin during a telephonic exit briefing on April 26, 2005.

Based on the results of this inspection, the NRC has determined that three Severity Level IV violations of NRC requirements occurred. These violations were evaluated in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. The violations are being cited in the enclosed Notice of Violation (Notice) because it was identified by the NRC during the inspection, rather than being self-identified by the licensee.

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, an excerpt from NRC Information Notice 96-28, "SUGGESTED GUIDANCE RELATING TO DEVELOPMENT AND IMPLEMENTATION OF CORRECTIVE ACTION," is enclosed. The NRC will use your response, in part, to 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, Enclosure 1, and 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, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Should you have any Should you have any questions concerning this inspection, please contact Mr. Rick Muñoz at (817) 260-8220 or the undersigned at (817) 860-8287.

Sincerely,

/RA/

Jeffrey Cruz, Chief
Nuclear Materials Inspection Branch

Docket No.: 030-03495
License No.: 49-00152-02

Enclosures:
1. Notice of Violation
2. NRC Information Notice 96-28
3. NRC Enforcement Policy, NUREG-1600

cc w/Enclosure 1:
Wyoming Radiation Control Program Director

bcc w/Enclosure 1 (via ADAMS distrib):
PKHolahan
CLCain
JCruz
JEWhitten
RRMuñoz
KEGardin
NMIB
RIV Materials Docket File (5th floor)

SISP Review Completed: RRM

ADAMS: **X** Yes __No Initials: RRM

Publicly Available X Non-Publicly Available X Sensitive Non-Sensitive

DOCUMENT NAME: s:\dnms\!nmib\!muñoz\50349501.wpd

RIV:DNMS:NMIB	C:NMLB	C:NMIB
RR Muñoz	JEWhitten	J Cruz
/RA/	***/RA RJTorres***	***/RA/***
04/11/05	04/25/05	04/26/05

OFFICIAL RECORD COPY T=Telephone E=E-mail F=Fax

ENCLOSURE 1

NOTICE OF VIOLATION

Wyoming Medical Center
Casper, Wyoming

Docket No. 030-03495
License No. 49-00152-02

During an NRC inspection conducted on March 22, 2005, three violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

A. 10 CFR 35.27(a) requires, in part, that the licensee provide instruction to the supervised individual in the licensee's written directive procedures.

Contrary to the above, for the period covering calendar June 8, 2004 through March 22, 2005, the licensee failed to provide instruction to individuals directly associated with the implementation of the licensee's written directive procedures.

This is a Severity Level IV violation (Supplement VI).

B. 10 CFR 35.310 requires, in part, that the licensee provide radiation safety instruction, initially and at least annually to personnel caring for patients who cannot be released under 10 CFR 35.75.

10 CFR 35.75 provides for the release of individuals containing unsealed byproduct material or implants containing byproduct material if the total is not likely to exceed 0.5 Rem.

Contrary to the above, for calendar year 2004, the licensee failed to provide annual radiation safety instruction to personnel caring for patients who cannot be released under 10 CFR 35.75.

This is a Severity Level IV violation (Supplement VI).

C. 10 CFR 35.24(b) requires that licensee management appoint a radiation safety officer, who agrees, in writing, to be responsible for implementing the Radiation Protection Program.

Contrary to the above, between January 2004 and March 2005, the licensee failed to provide, in writing, an agreement and commitment from the radiation safety officer for the responsibility of the Radiation Protection Program. Specifically, the appointed Radiation Safety Officer failed to agree, in writing, to be responsible for implementing the Radiation Protection Program.

This is a Severity Level IV violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, Wyoming Medical Center, is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN:

Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator, Region IV, 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 to avoid further violations, and (4) the date when full compliance 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.

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 four working days.

Dated this 26th day of April 2005.