



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

November 7, 2006

Internal Medicine Group  
ATTN: Larry J. Hattel, M.D.  
Radiation Safety Officer  
2301 House, Suite 300  
Cheyenne, Wyoming 82001

SUBJECT: NRC INSPECTION REPORT 030-35938/2006-002 AND NOTICE OF VIOLATION

Dear Dr. Hattel:

This refers to the inspection conducted on September 28, 2006, at your facility in Cheyenne, Wyoming. Preliminary inspection findings were discussed with Mr. Matt Conner at the conclusion of the onsite portion of the inspection. A final exit briefing was conducted with you, telephonically, on October 31, 2006.

This inspection was an examination of activities conducted under your license as they relate to radiation 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, independent measurements, and interviews with personnel.

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 [www.nrc.gov](http://www.nrc.gov); select **What We Do, Enforcement**, then **Enforcement Policy**. The violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in detail. 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, 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, its enclosures, 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.

Internal Medicine Group

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

Sincerely,

***/RA/***

Vivian H. Campbell, Chief  
Nuclear Materials Inspection Branch

Docket No.: 030-35938  
License No.: 49-27720-01

Enclosures:

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

cc w/Enclosure 1:  
Wyoming Radiation Control Program Director

Internal Medicine Group

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bcc w/enclosure 1 (via ADAMS distrib):

LDWert

CLCain

VHCampbell

JEWhitten

RRMuñoz

KEGardin

NMIB

RIV Materials Docket File (5<sup>th</sup> floor)

SUNSI Review Completed: rrm ADAMS: X Yes ☐ No Initials: rrm

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

DOCUMENT NAME: s:\dnms\!nmib\!Munoz\Internal Medicine Group.wpd final r:\\_dnms

RIV:DNMS:NMIB	C:NMLB	C:NMIB
RRMuñoz*	JEWhitten*	VHCampbell
<b>/RA VHCampbell for/</b>	<b>/RA RJTorres for/</b>	<b>/RA/</b>
10/31/06	11/06/06	11/07/06

OFFICIAL RECORD COPY

T=Telephone

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\*Previous Concurrence

## **ENCLOSURE 1**

### **NOTICE OF VIOLATION**

Internal Medicine Group  
Cheyenne, Wyoming

Docket No. 030-35938  
License No. 49-27720-01

During an NRC inspection conducted on September 28, 2006, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 35.61(a) requires, in part, that a licensee calibrate the survey instruments used to show compliance with this part and 10 CFR Part 20 before first use, annually, and following a repair that affects the calibration.

Contrary to the above, as of September 9, 2005, the licensee was using a Ludlum Model 14-C, serial number 184385 survey instrument to show compliance with this part and 10 CFR Part 20. The survey instrument was last calibrated September 2004 and had not been calibrated from September 10, 2005 through September 28, 2006. The licensee failed to calibrate the survey instrument for calendar year 2005.

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

- B. 10 CFR 20.1101(c) requires that the licensee shall periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, from January 2004 to the date of this inspection the licensee had not reviewed their radiation protection program content and implementation, a period that is greater than annually.

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

Pursuant to the provisions of 10 CFR 2.201, Internal Medicine Group, 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, 611 Ryan Plaza Drive, 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 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.

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 7<sup>th</sup> day of November 2006.