

February 21, 2008

**United States Regulatory Commission
Attention: Document Control Desk
Washington, DC 20555**

**Region IV
611 Ryan Plaza Drive, suite 400
Arlington, Texas 76011-4005**

SUBJECT: Corrective action response related to NRC Inspection Report 030-14695/08-01

- A. In response to violation of 10 CFR 35.14 (b) (1), for not notifying the NRC that the authorized user, James Raymond, M.D., had discontinued performance of his duties under the license. Corrective action was taken immediately while the inspector was on site. Amendment was requested by our facility asking that he be removed from the license. This was a failure to follow procedures. Although, it had been recommended by the health physicist, I was not aware of the regulation requiring thirty day notification. This is due to inadequate knowledge of all the regulations. I have, since the inspection, printed the regulations for my personal attention. Notification of this violation will be reviewed with the RSO and the Isotope Committee and we will review the license annually. The health physicist who performs our audits will also be informed and we will follow his directions in a timelier manner. Full compliance was reached prior to receipt of this notice while inspector still on site.**
- B. In response to violation of condition 18 of License No. 49-18230-01 under item 10.4 titled, "Safe Use of Radiopharmaceuticals," published in Appendix I to Regulatory Guide 10.8, West Park Hospital employee was not wearing a finger exposure monitor during the preparation, assay, and injection of a radiopharmaceutical. The direct cause of this violation is not a lack of training, but more a lack of attention to regulations. The technologists working in that area, at the suggestion of the NRC inspector, have now reread the model safety rules and have a signed a sheet acknowledging those rules, as well as an agreement to follow them in the future. Spot checks have also been performed randomly and techs have been in 100 percent compliance. These random checks will continue until it is felt that the process has become standard operating**

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procedure. The monthly badge report will also be reviewed by the manager looking for low readings which demonstrate non-compliance. Compliance has been reached prior to receipt of this notice, but monitoring will continue.

The violation notice has been posted in accordance with 10 CFR 19.11.

Respectfully,

A handwritten signature in black ink, appearing to read 'Karen L. Beemer', with a stylized flourish at the end.

**Karen L. Beemer, Radiology Manager
ARRT, (R(M)(MR), CNMT, RDMS**

NOTICE OF VIOLATION

West Park Hospital
Cody, Wyoming

Docket No. 030-14695
License No. 49-18230-01

During a NRC inspection conducted on January 15-16, 2008, two violations of NRC requirements were identified. In accordance with the Enforcement Policy, the violations are listed below:

- A. 10 CFR 35.14(b)(1) requires, in part, that a licensee notify the NRC by letter within 30 days, when an authorized user, Radiation Safety Officer (RSO), or Teletherapy Physicist permanently discontinues performance of duties under the license or has a name change.

Contrary to the above, from December 2003 until January 15, 2008, the licensee failed to notify the NRC within 30 days when an authorized user permanently discontinued performance of duties under the license. Specifically, the only authorized user identified for 10 CFR 35.400 material on License No. 49-18230-01, amendment no. 14 issued on July 13, 1999, discontinued performance of these duties after December 2003. The licensee did not make notification until January 15, 2008, a period in excess of 30 days.

This is a Severity level IV violation (Supplement VI)

- B. Condition 18 of License No. 49-18230-01 requires, in part, that the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, in the licensee's application dated March 27, 2001

In the licensee's application, under Item 10.4 titled, "Safe Use of Radiopharmaceuticals," the licensee stated that they will establish and implement the model safety rules published in Appendix I to Regulatory Guide 10.8.

Paragraph 7 of Appendix I of Regulatory Guide 10.8, "Model Rules for Safe Use of Radiopharmaceuticals", states, in part, wear personnel monitoring devices at all times while in areas where radioactive materials are used or stored. Paragraph 8 states, in part, wear a finger exposure monitor during the preparation, assay, and injection of radiopharmaceuticals.

Contrary to the above, on January 16, 2008, the licensee did not adhere to the model safety procedures in paragraphs 7 and 8 of NRC Regulatory Guide 10.8, Appendix I. Specifically, a nuclear medicine technologist was observed not wearing whole body or extremity dosimetry while working with radiopharmaceuticals.

This is a Severity level IV violation (Supplement VI)

Enclosure

Pursuant to the provisions of 10 CFR 2.201, West Park Hospital 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.

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 are required to post this Notice within two working days.

Dated this 11th day of February, 2008

January 15, 2008

From: Karen L. Beemer
West Park Hospital
707 Sheridan Ave.
Cody, WY 82414

To: NRC
C/O Jacque Cook

RE: License #49-18230, Docket # 030-14695
License Amendments Requested.

We would like to request the following amendments to our license:

1. Please remove Dr. James Raymond from our license.

Thank you.


Karen L. Beemer