



2800 Tenth Avenue North  
P.O. Box 37000  
Billings, Montana 59107-7000

June 29, 2009

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555-0001

Elmo E. Collins, Regional Administrator  
U.S. Nuclear Regulatory Commission, Region IV  
612 E. Lamar Blvd. Suite 400  
Arlington, TX 76011  
817-860-8188

Christopher K. Fitz, Medical Physicist/Radiation Safety Officer  
Billings Clinic  
Department Of Nuclear Medicine  
2800 10<sup>th</sup> Ave. North  
P.O. Box 37000  
Billings, MT 59107

Re: Reply to a Notice of Violation for Billings Clinic (NRC License # 25-01051-01) Dated June 3, 2009, Docket No. 030-02389

Mr. Collins, on behalf of Billings Clinic I wish to acknowledge the severity level IV violation from the inspection conducted on May 6, 2009. Billings Clinic failed to maintain control and constant surveillance of license material on March 13, 2009, which resulted in 78 millicuries of xenon-133 gas disposed in the landfill.

### **Reason for the Violation**

The radioactive material was delivered to nuclear medicine in an open over-pack box which was placed next to the department's waste container. Nuclear medicine staff observed the box but falsely believed that the other one had received the package and performed the proper procedure of opening and receipt of licensed material.

### **Corrective measures taken to ensure against recurrence**

The RSO and department leaders have changed the delivery process to ensure nuclear medicine staff is aware of packages delivered to nuclear medicine. Changes in policy include a new designated receipt area and the courier delivering packages will not delivery opened over-packs. The nuclear medicine

department will now breakdown all packages received. Housekeeping staff working in nuclear medicine will not remove any boxes from nuclear medicine. In-services were held with security, nuclear medicine, and housekeeping. Nuclear Medicine and Radiology have also performed a root cause analysis. All findings have been adopted by nuclear medicine and were reported to the radiation safety committee at the May 2009 quarterly meeting.

**Corrective measures taken to avoid further violations**

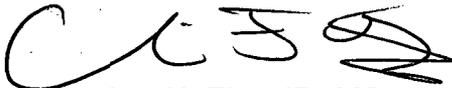
The RSO will continue to monitor the flow of packages to ensure no opened over-packs are delivered and that delivery personnel will deliver all incoming packages to the correct area.

**Date when full compliance was achieved**

Billings Clinic believes that full compliance was achieved on April 16, 2009 when the written notice was submitted identifying the loss of material.

If you require additional information please call me at 406-672-6756.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. K. Fitz' with a stylized flourish at the end.

Christopher K. Fitz, JD, MS  
Medical Physicist/Radiation Safety Officer