



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION IV  
1600 E. LAMAR BLVD.  
ARLINGTON, TX 76011-4511

July 13, 2016

Mr. Michael Fernald, M.S.  
Radiation Safety Officer  
Rocky Mountain Oncology Center, LLC  
6501 East Second Street  
Casper, WY 82609

SUBJECT: NRC INSPECTION REPORT 030-37415/2016-001; NOTICE OF VIOLATION

Dear Mr. Fernald:

This letter refers to the routine, unannounced inspection conducted on June 8, 2016, at your facility located in Casper, Wyoming. The inspection examined activities conducted under your license as they relate to public health and safety, and to confirm compliance with the U.S. Nuclear Regulatory Commission's (NRC) rules and regulations, and with the conditions of your license. Within these areas, the inspection consisted of a selected examination of procedures and representative records, observations of activities, and interviews with personnel. A final exit meeting was conducted with you on June 8, 2016.

Based on the results of this inspection, the NRC has determined that two Severity Level IV violations of NRC requirements occurred. The violations were evaluated in accordance with the NRC Enforcement Policy, which can be found at the NRC's Web site at [www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html](http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html). The violations involved failing to ensure that drills of emergency procedures took place annually and that a Radiation Safety Committee oversee all uses of byproduct material, both of which are being cited in the enclosed Notice of Violation (Notice) because they were identified by the NRC during the inspection.

You are required to respond to this letter and must 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. You can find the Information Notice on the NRC Web site at <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>.

Information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance will be (was) achieved should be addressed. 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 "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 in the NRC's Agencywide Document Access and Management System (ADAMS), accessible from the NRC's Web site at <http://www.nrc.gov/reading-rm/adams.html>.

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 you have any questions concerning this matter, please contact Jason C. Dykert at 817-200-1427 or the undersigned at 817-200-1191.

Sincerely,

**/RA/**

Ray L. Kellar, P.E., Chief  
Nuclear Materials Safety Branch A  
Division of Nuclear Materials Safety

Docket: 030-37415  
License: 49-29254-01

Enclosure:  
Notice of Violation (Notice)

cc: Wyoming Radiation Control Program Director

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cc: Wyoming Radiation Control Program Director

**DISTRIBUTION:**

S. Morris, RIV:DRA  
M. Shaffer, D:DNMS  
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ADAMS ACCESSION NUMBER: ML16168A461

<input checked="" type="checkbox"/> SUNSI Review By: <b>JCD</b>		ADAMS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Publicly Available <input type="checkbox"/> Non-Publicly Available	<input checked="" type="checkbox"/> Non-Sensitive <input type="checkbox"/> Sensitive	Keyword:
OFFICE	RIV:DNMS/NMSB-A	C:NMSB-A			
NAME	JCDykert	RLKellar			
SIGNATURE	<b>/RA/</b>	<b>/RA/</b>			
DATE	06/21/16	07/13/16			

**OFFICIAL RECORD COPY**

## NOTICE OF VIOLATION

Rocky Mountain Oncology Center, LLC  
Casper, Wyoming

Docket: 030-37415  
License: 49-29254-01

During an NRC inspection conducted on June 8, 2016, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 35.24(f) requires, in part, that licensees that are authorized for two or more different types of uses of byproduct material under 10 CFR Part 35 Subparts E, F, and H, shall establish a Radiation Safety Committee to oversee all uses of byproduct material permitted by the license.

Contrary to the above, from October 24, 2011 to June 8, 2016, the licensee was authorized for two or more different types of uses of byproduct material under 10 CFR Part 35 Subparts E, F, and H, and failed to establish a Radiation Safety Committee to oversee all uses of byproduct material permitted by the license. Specifically, the license authorized byproduct material under 10 CFR 35 Subpart H and was amended on October 24, 2011 to include byproduct material under 10 CFR 35 Subpart E, and the licensee failed to establish a Radiation Safety Committee.

This is a Severity Level IV violation (Section 6.3.d).

- B. 10 CFR 35.610(e) requires, in part, that the licensee ensure that operators, authorized medical physicists, and authorized users participate in drills of the emergency procedures at least annually.

Contrary to the above, from May 21, 2008 to June 8, 2016, the licensee failed to ensure that operators, authorized medical physicists and authorized users participated in drills of the emergency procedures at least annually. Specifically, drills related to emergency procedures did not recur on an annual basis.

This is a Severity Level IV violation (Section 6.3.d).

Pursuant to the provisions of 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 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 was 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.

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 Document Access and Management System (ADAMS), accessible from the NRC Web site at [www.nrc.gov/reading-rm/pdr.html](http://www.nrc.gov/reading-rm/pdr.html) or [www.nrc.gov/reading-rm/adams.html](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. 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(a)(4), you are required to post this Notice within two working days.

Dated this 13th day of July 2016.