



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
1600 EAST LAMAR BOULEVARD  
ARLINGTON, TEXAS 76011-4511

August 30, 2024

EA-24-077

Joan Brown  
Practice Administrator  
Wyoming Cardiopulmonary Services, PC  
1230 East First Street  
Casper, WY 82601-2788

SUBJECT: WYOMING CARDIOPULMONARY SERVICES, PC - NRC INSPECTION  
REPORT 030-35826/2024-001

Dear Joan Brown:

This letter refers to the in-office review conducted from May 23 through July 9, 2024, regarding Wyoming Cardiopulmonary Services, PC (licensee). The purpose of the in-office review was to review your request to update the radiation safety officer (RSO) listed on the license and evaluate the status of the RSO position prior to the request. The enclosed report presents the results of this in-office review. A final exit briefing was conducted telephonically with you and Michael Fernald, Radiation Safety Officer, on August 20, 2024.

Based on the results of this in-office review, one apparent violation was identified and is being considered for escalated enforcement action in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The apparent violation pertains to the failure to maintain a qualified RSO for a period of approximately 15 months. The circumstances surrounding this apparent violation, the significance of the issues, and the need for lasting and effective corrective action were discussed with members of your staff during the inspection exit meeting.

Before the NRC makes its enforcement decision, we are providing you an opportunity to: (1) respond in writing to the apparent violation addressed in this inspection report within 30 days of the date of this letter, (2) request a Pre-decisional Enforcement Conference (PEC), or (3) request Alternative Dispute Resolution (ADR). If a PEC is held, it will be open for public observation and the NRC will issue a press release to announce the time and date of the conference. Please contact Neil O'Keefe, Chief, Materials Licensing Branch, at 817-200-1156 or [Neil.O'Keefe@nrc.gov](mailto:Neil.O'Keefe@nrc.gov) within 10 days of the date of this letter to notify the NRC of your intention to either provide a written response, participate in a PEC, or pursue ADR. A PEC should be held within 30 days and an ADR session within 45 days of the date of this letter.

If you choose to provide a written response, it should be clearly marked as a "Response to An Apparent Violation in NRC Inspection Report 030-35826/2024-001; EA-24-077" and should include: (1) the reason for the apparent violation or, if contested, the basis for disputing the

apparent violation; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken; and (4) the date when full compliance will be achieved. Your response may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response. 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.

Your written response, should you choose to provide one, should be sent to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with identical copies mailed to the Director, Division of Radiological Safety & Security, Region IV, 1600 East Lamar Boulevard, Arlington, TX 76011, and emailed to [R4Enforcement@nrc.gov](mailto:R4Enforcement@nrc.gov) within 30 days of the date of this letter. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a PEC.

If you choose to request a PEC, the conference will afford you the opportunity to provide your perspective on these matters and any other information that you believe the NRC should take into consideration before making an enforcement decision. The decision to hold a PEC does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference would be conducted to obtain information to assist the NRC in making an enforcement decision. The topics discussed during the conference may include information to determine whether a violation occurred, information to determine the significance of a violation, information related to the identification of a violation, and information related to any corrective actions taken or planned.

In presenting your corrective actions, you should be aware that the promptness and comprehensiveness of your actions will be considered in assessing any civil penalty for the apparent violations. The guidance in NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be helpful in preparing your response (Agencywide Documents Access and Management System (ADAMS) Accession No. [ML061240509](#)).

In lieu of a PEC, you may request ADR with the NRC in an attempt to resolve this issue. Alternative Dispute Resolution is a general term encompassing various techniques for resolving conflicts using a neutral third party. The technique that the NRC employs is mediation. Mediation is a voluntary, informal process in which a trained neutral mediator works with parties to help them reach resolution. If the parties agree to use ADR, they select a mutually agreeable neutral mediator who has no stake in the outcome and no power to make decisions. Mediation gives parties an opportunity to discuss issues, clear up misunderstandings, be creative, find areas of agreement, and reach a final resolution of the issues.

Additional information concerning the NRC's program can be obtained at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>. The Institute on Conflict Resolution (ICR) at Cornell University has agreed to facilitate the NRC's program as a neutral third party. Please contact ICR at 877-733-9415 within 10 days of the date of this letter if you are interested in pursuing resolution of this issue through ADR.

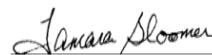
Since the NRC has not made a final determination in this matter, a notice of violation is not being issued for the apparent violation at this time. Please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change

as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

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, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's ADAMS, accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions concerning this matter, please contact Casey Alldredge of my staff at 817-200-1546.

Sincerely,



Signed by Bloomer, Tamara  
on 08/30/24

Tamara Bloomer, Director,  
Division of Radiological Safety and Security

Docket: 030-35826  
License: 49-27711-01

Enclosure:  
Inspection Report 030-35827/2024-001

WYOMING CARDIOPULMONARY SERVICES, PC - NRC INSPECTION  
 REPORT 03035826/2024-001 – DATED SEPTEMBER 30, 2024

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ADAMS ACCESSION NUMBER: ML24239A841

SUNSI Review:      ADAMS:       Non-Publicly Available       Non-Sensitive      Keyword:  
 By: CCA1               Yes  No       Publicly Available       Sensitive      NRC-002

OFFICE	HP:MLB	C:MIB	TL:ACES	C:MLB
NAME	CAldredge	LRoldan-Otero	BAlferink	NO'Keefe
SIGNATURE	/RA/ E	/RA/ E	/RA/	/RA/
DATE	08/27/24	08/29/24	08/29/2024	8/27/2024
OFFICE	RC	OE	D:DRSS	
NAME	DCylkowski	CRiveraDiaz	TBloomer	
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## **WYOMING CARDIOPULMONARY SERVICES, PC REPORT DETAILS**

### **1 Program Overview (87121)**

#### **1.1. Program Scope**

Wyoming Cardiopulmonary Services, PC (licensee) is authorized under NRC Materials License No. 49-27711-01 to possess and use byproduct material under 10 CFR 35.200 (imaging and localization studies, no written directive required).

#### **1.2. Observations and Findings**

Upon receiving a telephone call from the licensee asking for information regarding submitting a license amendment for a new radiation safety officer (RSO), and after reviewing the information submitted by the licensee regarding the change of RSO, the license reviewer inquired about the surrounding circumstances. During this process, the regional license reviewer discovered that for more than a year the licensee did not have a qualified RSO on staff.

### **2 Inspection Findings (87121)**

#### **2.1 Inspection Scope**

On May 23, 2024, the Materials Licensing Branch (MLB) staff spoke to a management representative from Wyoming Cardiopulmonary Services, which is licensed for activities covered under 10 CFR 35.200 (imaging and localization studies, no written directive required). The licensee asked about the process to add an RSO to the license and stated that the previous RSO on the license was no longer employed at the facility. The licensee stated that they believed that a nuclear medicine technologist was fulfilling the duties of the RSO, but the licensee had never submitted a license amendment request to officially change the RSO.

In subsequent phone calls with the licensee, MLB staff learned that the previous RSO left in March 2023. He was also the sole nuclear medicine technologist. In August 2023, the licensee hired a new nuclear medicine technologist who verbally agreed to be the RSO as part of her hiring. She started work on August 7, 2023, and ordered her first doses on August 13, 2023. Prior to her start, the program had not been functioning and no nuclear medicine procedures had been performed since the prior RSO had left.

During a discussion with the licensee representative, the MLB staff asked whether the new nuclear medicine technologist met the requirements to serve as RSO. The licensee explained that although the new nuclear medicine technologist had stated that she could be the RSO during the interview process, she was now unsure if she possessed the qualifications to be the RSO. MLB staff explained the training and experience requirements for someone to be qualified to be the RSO. Since the licensee was not sure that the nuclear medicine technologist was qualified to be the RSO, they inquired about hiring a contractor RSO. MLB staff instructed them that either a staff RSO or a contractor RSO was sufficient, but that they needed to have a RSO on the license who was qualified and that they were out of compliance with regulations until one was approved in a license amendment.

MLB staff also informed the licensee that the NRC would not instruct them to stop patient care, but that they should consider the actions that they took carefully since they were without an RSO.

In a letter dated June 5, 2024 (ML24158A114), the licensee submitted a license amendment to add Michael Fernald, a contractor, as the RSO. He was determined to be qualified and was approved as the RSO in license Amendment No. 8 on June 12, 2024 (ML24164A299).

In an email dated July 1, 2024, MLB staff asked the RSO for additional details regarding the qualifications of the nuclear medicine technologist and the time period between when the previous RSO left the licensee and the time of the new RSO's hire. In a letter dated July 9, 2024, (ML24221A092) the RSO indicated that the nuclear medicine technologist did not have the required training to be appointed as RSO and that she had never been formally delegated as the RSO, although she was verbally notified upon her hire. During her time as the "RSO" she performed some RSO activities such as managing the dosimetry badges, including reviewing bi-monthly reports and ordering fetal badges, when appropriate.

## 2.2 Observation and Findings

The license reviewer determined that from March 1, 2023, through June 12, 2024, the licensee did not have a qualified radiation safety officer.

License Condition 11 of NRC License No. 49-27711-01, Amendment No. 7, dated July 25, 2022, specifies a named individual as the Radiation Safety Officer.

Contrary to the above, from March 2023 to June 12, 2024, the licensee failed to have that named individual serving as the Radiation Safety Officer. Specifically, after the Radiation Safety Officer named on the license left the licensee, there was no qualified and named Radiation Safety Officer working for the licensee until Amendment No. 8 to NRC License 49-27711-01 was issued.

## 2.3 Conclusions

The NRC identified one apparent violation regarding Wyoming Cardiopulmonary Services, PC's failure to have a qualified radiation safety officer on the license. (030-35826/2024-001)

## 3 **Corrective Actions**

The licensee submitted a license amendment request dated June 5, 2024, to add a new qualified radiation safety officer. The requested individual was determined to be qualified and was approved as the RSO in license Amendment No. 8 on June 12, 2024.

## 4 **Exit Meeting Summary**

A final exit briefing was conducted telephonically with Joan Brown, Practice Administrator, and Michael Fernald, Radiation Safety Officer, on August 20, 2024.

## Supplemental Inspection Information

### PARTIAL LIST OF PERSONS CONTACTED

Joan Brown	Practice Administrator, Wyoming Cardiopulmonary Services, PC
Michael Fernald	Radiation Safety Officer, Wyoming Cardiopulmonary Services, PC

### INSPECTION PROCEDURES USED

N/A - In-office review

### ITEMS OPENED, CLOSED, AND DISCUSSED

#### Opened

030-35826/2024-001	AV	Failure to have a qualified radiation safety officer
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#### Closed

None.

#### Discussed

None.

### LIST OF ACRONYMS AND ABBREVIATIONS USED

10 CFR	Title 10 of the Code of Federal Regulations
ADAMS	Agencywide Documents Access and Management System
ADR	Alternative Dispute Resolution
AV	Apparent Violation
NRC	U.S. Nuclear Regulatory Commission
PEC	Predecisional Enforcement Conference
RSO	Radiation Safety Officer