



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

December 25, 2004

Docket No. 03022155

License No. 29-20960-01

John Farry, M.D.  
Administrator  
Cardiac Testing Center  
29 South Street  
New Providence, NJ 07974

**SUBJECT:** INSPECTION 03022155/2004001, CARDIAC TESTING CENTER, NEW PROVIDENCE, NEW JERSEY AND THE MEDICAL ARTS CENTER, SUMMIT, NEW JERSEY, AND NOTICE OF VIOLATION

Dear Dr. Farry:

On December 1, 2004, Steven Courtemanche of this office conducted a safety inspection at the above address and at the Medical Arts Center, 33 Overlook Road, Summit, New Jersey, of activities authorized by your NRC license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selected examination of representative records. The findings of the inspection were discussed with Michael J. Tighe, M.D. of your organization at the conclusion of the inspection.

Based on the results of this inspection, it appears that your activities were not conducted in full compliance with NRC requirements. A Notice of Violation is enclosed that categorizes each violation by severity level in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG-1600. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

Please note that on October 25, 2004, the NRC suspended public access to ADAMS, and initiated an additional security review of publicly available documents to ensure that potentially sensitive information is removed from the ADAMS database accessible through the NRC's web site. Interested members of the public may obtain copies of the referenced documents for review and/or copying by contacting the NRC Public Document Room pending resumption of public access to ADAMS. The NRC Public Document Room is located at NRC Headquarters in Rockville, MD, and can be contacted at 800-397-4209 or 301-415-4737 or [pdr@nrc.gov](mailto:pdr@nrc.gov).

J. Farry  
Cardiac Testing Center

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Your cooperation with us is appreciated.

Sincerely,

***Original signed by James P. Dwyer***

James P. Dwyer, Chief  
Commercial and R&D Branch  
Division of Nuclear Materials Safety

Enclosure:  
Notice of Violation

cc:  
Michael J. Tighe, Radiation Safety Officer  
State of New Jersey

J. Farry  
Cardiac Testing Center

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D. J. Holody, RI

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OFFICE	DNMS/RI	N	DNMS/RI	DNMS/RI			
NAME	SCourtemanche/src		JDwyer/jpd				
DATE	12/13/2004		12/25/04				

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## NOTICE OF VIOLATION

Cardiac Testing Center  
New Providence, NJ

Docket No. 03022155  
License No. 29-20960-01

During an NRC inspection conducted on December 1, 2004, three violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG-1600, the violations are listed below:

- A. 10 CFR 20.1501(a) requires, in part, that the licensee make or cause to be made, surveys that may be necessary for the licensee to comply with the regulations in this part; and are reasonable under the circumstances to evaluate the potential radiological hazards. Pursuant to 10 CFR 20.1003, *survey* means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of radioactive material or other sources of radiation.

Contrary to the above, the licensee did not make surveys to assure compliance with 10 CFR 20.2001(a), which describes authorized means of disposing of licensed material. Specifically, on May 25 and December 1, 2004, the licensee disposed of waste contaminated with technetium-99m, a licensed material, to a biohazardous waste container and, if not for its detection on those dates by a State of New Jersey Department of Environmental Protection inspector and an NRC inspector, respectively, the radioactive waste would have been disposed of as non-radioactive waste, a method not authorized for the disposal of licensed material. The licensee indicated that the biohazard waste containers were not normally surveyed prior to disposal.

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

- B. 10 CFR 20.1502(a)(1) requires, in part, that each licensee supply and require the use of individual monitoring devices by adults likely to receive, in one year from sources external to the body, a dose in excess of 10% of the limits in 10 CFR 20.1201(a).

Contrary to the above, during the months of December 2003 and between the months of February and July 2004, the licensee did not require the use of an individual monitoring device by an adult who was likely to receive an annual dose in excess of 10% of the applicable limit in 10 CFR 20.1201(a). Specifically, during these months, a nuclear medicine technologist did not wear an extremity monitor, did not inform management of the missing extremity monitor, and did not seek a replacement. Further, a review of the licensee's exposure reports for the two facilities indicated that extremity doses for technologists were likely to exceed 10 percent of the annual dose limits.

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

- C. 10 CFR 35.14(b)(1) requires, in part, that the licensee notify the Commission no later than 30 days after an Authorized User permanently discontinues performance of duties under the license.**

**Contrary to the above, the licensee did not notify the Commission within 30 days after an Authorized User permanently discontinued performance of duties under the license. Specifically, prior to December 2003, an Authorized User permanently discontinued performance of duties under the license and, as of December 1, 2004, the licensee had not provided notification to the Commission in writing.**

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

**Pursuant to the provisions of 10 CFR 2.201, Cardiac Testing Center is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I, 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, (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.**

**If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.**

**Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site at <http://www.nrc.gov/reading-rm.html>. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.**

Notice of Violation  
Cardiac Testing Center

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**In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.**

**Dated This 25th day of December 2004**