



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

July 3, 2006

Docket No. 03035599

License No. 45-25546-01

Bruce H. Ward, M.D.
Commonwealth Cardiology Associates, LTD
505 West Lehigh Street, Suite 205
Richmond, Virginia 23220

SUBJECT: INSPECTION 03035599/2006001, COMMONWEALTH CARDIOLOGY ASSOCIATES, LTD, RICHMOND, VIRGINIA SITE AND NOTICE OF VIOLATION

Dear Dr. Ward:

On June 22, 2006, Steve Courtemanche of this office conducted a safety inspection at the above address 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 you 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. 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.

Current NRC regulations are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material**; then **Toolkit Index Page**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **What We Do, Enforcement**, then **Enforcement Policy**. Or you may obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 8:00 p.m. EST, Monday through Friday (except Federal holidays).

B. Ward
Commonwealth Cardiology Associates, LTD

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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:
Commonwealth of Virginia

B. Ward
Commonwealth Cardiology Associates, LTD

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SUNSI Review Complete: SCourtemanche

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NAME	Scourtemanche SRC		JDwyer				
DATE	6/30/2006		7/2/2006				

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NOTICE OF VIOLATION

Commonwealth Cardiology Associates, LTD
Richmond, VA

Docket No. 03035599
License No. 45-25546-01

During an NRC inspection conducted on June 22, 2006, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 35.61(a) requires, in part, that a licensee calibrate survey instruments used to show compliance with 10 CFR Parts 20 and 35 annually.

Contrary to the above, as of June 22, 2006, the licensee did not calibrate its survey instrument used to show compliance with 10 CFR 20.1906(b) and 35.92 annually. Specifically, the licensee's survey instrument was last calibrated in July 2004 and the instrument was used in 2005 and 2006 to show compliance with 10 CFR Parts 20 and 35.

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

- B. 10 CFR 35.67(b)(2) requires that a licensee in possession of a sealed source test the source for leakage at intervals not to exceed six months or at other intervals approved by the Commission or an Agreement State in the Sealed Source and Device Registry with exceptions in 10 CFR 35.67(f).

Contrary to the above, as of June 22, 2006, the licensee was in possession of sealed sources and did not test the sources for leakage at intervals not to exceed six months, other intervals were not approved by the Commission or an Agreement State in the Sealed Source and Device Registry, and the exceptions in 10 CFR 35.67(f) did not apply. Specifically, the licensee's sealed sources were last tested for leakage in December of 2004, an interval exceeding six months, and the sealed sources were used in 2005 and 2006.

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

Pursuant to the provisions of 10 CFR 2.201, Commonwealth Cardiology Associates, LTD. 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. 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.

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

Dated this 2nd day of July 2006