ANIMAL INTERNAL MEDICINE OF TIDEWATER
1100 Eden Way North, Suite 101B
Chesapeake, VA 23320
Telephone: (757) 366-9000
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WILLIAM G. BREWER, Jr., D.V.M.
Diplomate, American College of Veterinary Internal Medicine
Small Animal Internal Medicine and Oncology

May 17, 2008

Reply to a Notice of Violation

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555

To whom it may concern:

This letter is in response to a notice of violation Docket No. 03035946, License No. 45-25585-01 (see attached).

1. Reason for violation: The instruments used for quantitative measurements as listed in the notice of violation were calibrated yearly as required by the license, however they were electronically calibrated which was found to be unacceptable by the inspector.

2. In order to correct this, the instruments have since been calibrated for efficiency of detection of Iodine and Cesium radiation (see attached calibration forms).

3. All future yearly calibrations will be performed in the manner described in number 2 above. In addition the instruments will be checked monthly with an I-129 check source.

4. As noted on the enclosed calibration certificates compliance was achieved on May 9, 2008.

We feel that the above actions have placed us in compliance. If you have additional concerns or comments please let us know. Thank you for helping us to improve our safety program.

Sincerely,

Tony Puglisi, DVM, Licensee

William G. Brewer, Jr. DVM, Radiation Safety Officer

cc. Regional Administrator, Region 1, Nuclear Regulatory Commission, 475 Allendale Road, King of Prussia, Pennsylvania 19406-1415

IE07
RGN 1

NOTICE OF VIOLATION

Dr. Tony Puglisi
Chesapeake, VA

Docket No. 03035946
License No. 45-25585-01

During an NRC inspection conducted on April 2, 2008, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

> 10 CFR 20.1501(a) requires that each licensee make or cause to be made surveys that may be necessary for the licensee to comply with the regulations in Part 20 and that are reasonable under the circumstances to evaluate the extent of radiation levels, concentrations or quantities of radioactive materials, and the potential radiological hazards that could be present. 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.
>
> 10 CFR 20.1501(b) requires that the licensee ensure that instruments and equipment used for quantitative radiation measurements are calibrated periodically for the radiation measured.
>
> Contrary to the above, as of April 2, 2008, the licensee used instruments for quantitative radiation measurements that were not calibrated periodically for the radiation being measured. Specifically, personnel thyroid bioassay measurements and area wipe tests were being made with instruments that did not have current calibration for the iodine-131 radiation being measured.
>
> This is a Severity Level IV violation (Supplement IV).

Pursuant to the provisions of 10 CFR 2.201, Dr. Tony Puglisi 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 23 day of April 2008

RADIATION
SAFETY ACADEMY
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481 N. Frederick Avenue, Suite 302
Gaithersburg, Maryland 20877
800.871.7930
www.RadiationSafetyAcademy.com

Certificate of Calibration

Client Name: William G. Brewer Jr. DVM
Client Address: Affiliated Animal Care
1100 Eden Way N101B
Chesapeake, VA 23320

Phone Number: (757) 366-9000

Instrument Make: Ludlum
Instrument Model: 3
Instrument S/N: 188588

Calibration Date: **May 9, 2008**
Calibration Due Date: **May 9, 2009**

CALIBRATION DATA

Scale	Expected (cpm)	Observed (cpm)	Delta % (CF)	Observed (cpm)*	Delta % (CF)*
x0.1	250	260	+4	250	0
x0.1	500	510	+2	500	0
x1	2,500	2,600	+4	2,500	0
x1	5,000	5,200	+4	5,000	0
x10	25,000	26,000	+4	25,000	0
x10	50,000	52,000	+4	50,000	0
x100	250,000	250,000	0	-	-
x100	500,000	500,000	0	-	-

* Observed (cpm) and Delta % after adjustment

Probe Data

Probe Type	Model	S/N	Geometry	Isotope 1	Eff.	Isotope 2	Eff.	Isotope 3	Eff.
PanGM	44-9	PR195824	Contact	C-14	4.5%	Tc-99	22%	Cs-137	6%
NaI	44-3	PR195634	Contact	I-125	16%	Cs-137	5%		

Instrument Checks

Voltage[1]: 900V
Voltage[2]: n/a
Batteries: OK
Cable: OK
Sound: OK
Check Source 1 n/a
Comments: Adjusted x0.1; x1, x10 scales

[1]- Initial voltage reading
[2]- Voltage after adjustment

Calibrated By: Mike Jedlicka, HP

Reviewed By: Sean Austin, CHP, RSO

~ The Radiation Safety Academy a Division of Dade Moeller and Associates is licensed by the State of Maryland (MD-31-244-01) to perform instrument calibrations. ~

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Certificate of Calibration

Client Name: William G. Brewer Jr. DVM
Client Address: Affiliated Animal Care
1100 Eden Way N101B
Chesapeake, VA 23320

Phone Number: (757) 366-9000

Instrument Make: Eberline
Instrument Model: ESP-2
Instrument S/N: 555

Calibration Date: **May 9, 2008**
Calibration Due Date: **May 9, 2009**

CALIBRATION DATA

Scale	Expected (cpm)	Observed (cpm)	Delta % (CF)	Observed (cpm)*	Delta % (CF)*
Digital	100	108	+8	-	-
Digital	250	246	-1.6	-	-
Digital	1,000	996	-0.4	-	-
Digital	2,500	2,478	-0.9	-	-
Digital	10,000	9,960	-0.4	-	-
Digital	25,000	25,020	0	-	-
Digital	100,000	100,200	+0.2	-	-
Digital	250,000	251,400	+0.6	-	-

* Observed (cpm) and Delta % after adjustment

Probe Data

Probe Type	Model	S/N	Geometry	Isotope 1	Eff.	Isotope 2	Eff.	Isotope 3	Eff.
NaI	SPA-3	407249	Contact	Cs-137	11%				

Instrument Checks

Voltage[1]:	1000V
Voltage[2]:	n/a
Batteries:	OK
Cable:	OK
Sound:	OK
Check Source 1	n/a

Calibrated By: Mike Jedlicka, HP

Reviewed By: Sean Austin, CHP, RSO

~ The Radiation Safety Academy a Division of Dade Moeller and Associates is licensed by the State of Maryland (MD-31-244-01) to perform instrument calibrations. ~

[1]- Initial voltage reading
[2]- Voltage after adjustment