



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

October 21, 2008

Docket No. 03034602

License No. 07-30420-01

William J. Gunkel, Jr.
Radiation Safety Officer
Delaware Cardiovascular Associates
2600 Glasgow Avenue, Suite 221
Newark, DE 19702

SUBJECT: INSPECTION 03034602/2008001, DELAWARE CARDIOVASCULAR
ASSOCIATES

Dear Mr. Gunkel:

On July 24 and 25, 2008, Dennis Lawyer of this office conducted a safety inspection at 537 Stanton-Christiana Road, Newark, Delaware; 92A Atlantic Avenue, Ocean View, Delaware; 34453 King Street Row, Lewes, Delaware; 415 South DuPont Highway, Milford, Delaware; and 1102 South DuPont Highway, Dover, Delaware; of activities authorized by the above listed 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. Additional information provided in your correspondence dated September 2, September 25 and October 8, 2008; and the telephone conversations on August 5, September 22, and October 14, 2008; between yourself or Robert Zeigler of your organization and Mr. Lawyer, were also examined as part of the inspection. 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 the 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 **Regulations, Guidance, and Communications Page**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC; How We Regulate; Enforcement**; then **Enforcement Policy**. You may also 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 6:30 p.m. EST, Monday through Friday (except Federal holidays).

W. Gunkel

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Please contact Mr. Lawyer at 610-337-5366 if you have any questions regarding this matter.

Sincerely,

Original signed by Elizabeth Ullrich for

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

W. Gunkel

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Please contact Mr. Lawyer at 610-337-5366 if you have any questions regarding this matter.

Sincerely,

Original signed by Elizabeth Ullrich for

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

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NAME	DLawyer/JDP For		JDwyer/EXU				
DATE	10/14/2008		10/21/2008				

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Delaware Cardiovascular Associates

NOTICE OF VIOLATION

Delaware Cardiovascular Associates
Newark, DE

Docket No. 03034602
License No. 07-30420-01

During an NRC inspection conducted between July 24 and October 14, 2008, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Condition 15 of License No. 07-30420-01 requires, in part, that except as specifically provided otherwise in the license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the application dated January 8, 2003, including any enclosures. In the application dated January 8, 2003, the licensee stated that they have developed and will implement and maintain written procedures for monitoring occupational dose in accordance with 10 CFR 20.1101, that also meet the requirements of Subparts C and F of 10 CFR part 20. The inspector reviewed the licensee's written procedure for monitoring occupational dose and determined that dosimetry is required to be worn by nuclear medicine technologists when handling radioactive material.

Contrary to the above, on July 24, 2008, the Nuclear Medicine Technician working at the 537 Stanton-Christiana Road, Newark, Delaware facility was observed by the inspector to not be wearing her dosimetry while handling radioactive material. Furthermore, records indicate that the technologist did not often wear her assigned dosimetry because her exposure records indicate she received only 7 millirem whole body exposure and less than measureable extremity exposures between January 15 and June 14, 2008, while her co-workers received over 140 millirem whole body exposure and 40 millirem extremity exposure while performing similar activities over the same time period.

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

Pursuant to the provisions of 10 CFR 2.201, Delaware Cardiovascular Associates 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 21 day of October 2008