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

July 13, 2010

Docket No. 03038029 License No. 44-31369-01

Bryan E. Harnett
Owner/RSO
Vermont Veterinary Internal Medicine
200 Commerce Street
Williston, VT 05495

SUBJECT: NRC INSPECTION REPORT NO. 03038029/2010001, VERMONT VETERINARY INTERNAL MEDICINE, WILLISTON, VERMONT SITE

Dear Dr. Harnett:

On June 22, 2010, Thomas Thompson of this office conducted a safety inspection at the above address 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 selective 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 and in accordance with the NRC Enforcement Policy, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation involved the failure to properly calibrate your radiation survey meter. The violation is cited in the enclosed Notice of Violation (Notice), because the violation was identified by the NRC.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, 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 document system (ADAMS), accessible from the NRC website at http://www.nrc.gov/reading-rm/adams.html. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

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 1-866-512-1800. The GPO is open from 7:00 a.m. to 6:30 p.m. EST, Monday through Friday (except Federal holidays).

B. Harnett

Please contact Thomas Thompson at 610 337-5303 if you have any questions regarding this matter.

Sincerely,

Original signed by James P. Dwyer

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

cc:
State of Vermont

Please contact Thomas Thompson at 610 337-5303 if you have any questions regarding this matter.

Sincerely,

Original signed by James P. Dwyer

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

cc:
State of Vermont

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D. J. Holody, RI

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SUNSI Review Complete: TThompson

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OFFICE	DNMS/RI	N	DNMS/RI		DNMS/RI			
NAME	TThompson TKT		JDwyer JPD					
DATE	7/13/2010		7/13/10					

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NOTICE OF VIOLATION

Vermont Veterinary Internal Medicine
Williston, VT

Docket No. 03038029
License No. 44-31369-01

During an NRC inspection conducted on June 22, 2010, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 20.1501 requires licensees to make, or cause to be made, surveys that are reasonable under the circumstances to evaluate the magnitude and extent of radiation levels, concentrations or quantities of radioactive material, and the potential radiological hazards. 10 CFR 20.1501 also requires that these instruments be calibrated periodically for the radiation measured.

Contrary to the above, between August 2009 and June 22, 2010, the licensee's survey instrument was not calibrated periodically for the radiation measured. Specifically, the licensee utilized a survey meter to perform area surveys after the use of iodine-131 (radioactive material) and surveys of incoming packages of Iodine 131 and the instrument was only calibrated electronically, without the use of a radiation source. Additionally, the licensee's same survey instrument was being used for evaluating wipe tests and the licensee did not have a means of adequately quantifying the results. The licensee had not determined any counting efficiency for the instrument for the Iodine 131 being measured.

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

Pursuant to the provisions of 10 CFR 2.201, Vermont Veterinary Internal Medicine 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 13 day of July 2010