

April 8, 2011

Josephine J. Finazzo, D.O.
Radiation Safety Officer
Downriver X-Ray & Nuclear Diagnostics
18600 Van Horn Road
Woodhaven, Michigan 48183

SUBJECT: NRC INSPECTION REPORT NO. 030-33202/11-01(DNMS) AND NOTICE OF VIOLATION – DOWNRIVER X-RAY & NUCLEAR DIAGNOSTICS

Dear Dr. Finazzo:

On March 23, 2011, the U.S. Nuclear Regulatory Commission (NRC) conducted an inspection at your Woodhaven, Michigan facility, with continued NRC in-office review through April 4, 2011. The in-office review was related to an evaluation of the use of extremity dosimetry by your nuclear medicine technologist. A telephone exit meeting between yourself and Andrew Bramnik of my staff was conducted on April 4, 2011, to discuss the inspection findings.

During this inspection, the NRC staff examined activities conducted under your license related to public health and safety. Additionally, the staff verified your compliance with the conditions of your license as well as the Commission's rules and regulations. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on the results of this inspection, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation involved the failure to notify the Commission no later than 30 days after an Authorized User permanently discontinued performance of duties under the license. The violation is cited in the enclosed Notice of Violation (Notice) because it was identified by the NRC. The potential corrective actions to address the above violation were discussed between yourself and members of the NRC staff during the on-site inspection and via telephone.

The root cause of the violation was a lack of awareness of the requirements in Title 10 of the Code of Federal Regulations (10 CFR) Section 35.14 to notify the NRC when an Authorized User permanently discontinues performance of duties under the license. As corrective actions, you stated that you will submit a license amendment request to the NRC removing two individuals from your license and adding yourself as an Authorized User. On April 4, 2011, you informed the inspector that this request will be sent to the NRC by April 22, 2011.

J. Finazzo

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The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violations and prevent recurrence is already adequately addressed on the docket in this letter. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, 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's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site 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.

We will gladly discuss any questions you have concerning this inspection.

Sincerely,

/RA/

Tamara E. Bloomer, Chief
Materials Inspection Branch

Docket No. 030-33202
License No. 21-20358-02

Enclosure:
Notice of Violation

cc w/ encl: State of Michigan

J. Finazzo

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The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violations and prevent recurrence is already adequately addressed on the docket in this letter. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

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We will gladly discuss any questions you have concerning this inspection.

Sincerely,

/RA/

Tamara E. Bloomer, Chief
Materials Inspection Branch

Docket No. 030-33202
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Enclosure:
Notice of Violation

cc w/ encl: State of Michigan

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NOTICE OF VIOLATION

Downriver X-Ray & Nuclear Diagnostics
Woodhaven, Michigan

Docket No. 030-33202
License No. 21-20358-02

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on March 23, 2011, with continued NRC in-office review through April 4, 2011, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of the Code of Federal Regulations (10 CFR) Section 35.14(b)(1) states, in part, that a licensee shall notify the Commission no later than 30 days after an Authorized User permanently discontinues performance of duties under the license.

Contrary to the above, between May 2010 and April 4, 2011, the licensee failed to notify the Commission within 30 days of two Authorized Users listed on NRC License No. 21-20358-02 who permanently discontinued performance of duties under the license. Specifically, on or about March 29, 2010, two Authorized Users listed on the license had permanently discontinued performance of duties under the license and the licensee had as of April 4, 2011, not yet notified the Commission. During this period the licensee did not have any Authorized Users listed on its license who were affiliated with the licensee. During this same period the Radiation Safety Officer, who was a technically qualified individual and was approved as an Authorized User on another NRC license, performed the functions of an Authorized User for the licensee, consistent with 10 CFR 35.13(b)(4)(i).

This is a Severity Level IV violation (Section 6.3.d.8).

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to be taken to correct the violations and prevent recurrence, and the date when full compliance will be achieved, is already adequately addressed on the docket in the letter transmitting this Notice of Violation (Notice). However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region III, within 30 days of the date of the letter transmitting this Notice.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access & Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

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

Dated this 8th day of April 2011.

Enclosure