



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
2443 Warrenville Road
Lisle, IL 60532

August 4, 2011

Dan H. Marshall, DVM
Radiation Safety Officer
Cats - Radio Iodine Treatment Centers
70 Gallup
Mt. Clemens, MI 48036

SUBJECT: NRC INSPECTION REPORT NO. 030-33367/11-001(DNMS) AND NOTICE OF VIOLATION – CATS- RADIO IODINE TREATMENT CENTERS

Dear Dr. Marshall:

On July 13 and 15, 2011, a U.S. Nuclear Regulatory Commission (NRC) inspector conducted safety inspections at your facilities located at 14080 Wright Road, Eagle, Michigan; 4327 Gratiot, Clinton Township, Michigan; and 3215 Breton, S.E., Grand Rapids, Michigan. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and your 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, 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 post an area as "CAUTION, RADIATION AREA," as required by Title 10 of the Code of Federal Regulations (CFR) Section 20.1902(a). Specifically, the inspector surveyed two waste containers that had readings greater than 5 millirem in an hour at 30 centimeters from the waste bucket; and therefore required posting as a radiation area. However, the area was posted as "Radioactive Material" and not posted as "CAUTION, RADIATION AREA." As corrective action you stated you would post the area with "CAUTION, RADIATION AREA" signs. During the inspection exit meeting on July 15, 2011, you indicated that you had completed posting the signs. Additionally, you stated that you would take corrective and preventative actions to address the violation.

The violation is cited in the enclosed Notice of Violation (Notice). The violation is being cited because the NRC inspector identified the violation.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The guidance in NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be helpful. You can find the information notice on the NRC website at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

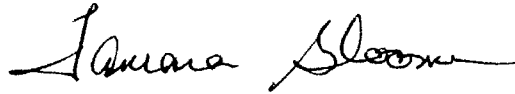
D. Marshall

2

In accordance with Title 10 Code of Federal Regulations (10 CFR) Part 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, 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/NRC/ADAMS/index.html> <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.

If you have any questions regarding this matter, please contact Dennis Lawyer at (610) 337-5366.

Sincerely,



Tamara E. Bloomer, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-33367
License No. 21-26539-01

Enclosure:
Notice of Violation

cc w/encl: State of MI

NOTICE OF VIOLATION

Cats - Radio Iodine Treatments Centers
Mt. Clemens, MI

Docket No. 03033367
License No. 21-26539-01

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on July 13 and 15, 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 (CFR) Section 20.1902(a) requires that the licensee post each radiation area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, RADIATION AREA."

Contrary to the above, as of July 15, 2011, the waste storage area at the 43727 Gratiot, Clinton Township, Michigan facility, a radiation area with a radiation dose rate of approximately 9 millirem in one hour at 30 centimeters from the radiation source was not posted with a sign bearing the radiation symbol and the words "CAUTION, RADIATION AREA."

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

Pursuant to the provisions of 10 CFR 2.201, Cats - Radio Iodine Treatment Centers 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 III, 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 addressed 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, U. S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

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.

Enclosure

Notice of Violation

-2-

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

Dated this 4th day of August 2011.

Enclosure

INSPECTION RECORD

Region III Inspection Report No. 2010-01

License No. 21-26539-01
Docket No. 030-33367

Licensee (Name and Address):
Cats – Radio Iodine Treatment Centers
70 Gallup
Mt. Clemens, Michigan 48036

Location (Authorized Site) Being Inspected:
14080 Wright Road, Eagle, Michigan;
43727 Gratiot, Clinton Township, Michigan; and
3215 Breton, S.E., Grand Rapids, Michigan

Licensee Contact: Dan H. Marshall, DVM Telephone No. 586-463-9550

Priority: 5 Program Code: 2400

Date of Last Inspection: 09/12-13/2005 Date of This Inspection: 07/13 and 07/15/ 2011


Type of Inspection: Initial Announced Unannounced
 Routine Special

Next Inspection Date: July 2016 Normal Reduced

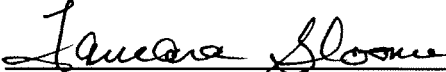
Justification for reducing the routine inspection interval:

Summary of Findings and Actions:

- No violations cited, clear NRC Form 591 or regional letter issued
- Non-cited violations (NCVs)
- Violation(s), Form 591 issued
- Violation(s), regional letter issued
- Follow-up on previous violations

Inspector: 
Dennis Lawyer, Health Physicist Region 1

Date: 7/20/2011

Approved: 
Tamara E. Bloomer, Chief,
Materials Inspection Branch

Date: 8/3/11

PART I-LICENSE, INSPECTION, INCIDENT/EVENT, AND ENFORCEMENT HISTORY

1. AMENDMENTS AND PROGRAM CHANGES:

<u>AMENDMENT No</u>	<u>DATE</u>	<u>SUBJECT</u>
13	06/29/2007	New Authorized User added
14	12/12/2007	Change mailing address and business Name
15	03/31/2008	Business name change
16	03/5/2009	Specific treatment authorization at another location

No program changes noted.

2. INSPECTION AND ENFORCEMENT HISTORY:

Unresolved issues; previous and repeat violations; CALs; and Orders

No violation on last inspection. No unresolved issues since last inspection.

3. INCIDENT/EVENT HISTORY:

(X) None. From review of regional event logs, event files, and the licensing file, there was no evidence of any incidents or events since the last inspection.

PART II - INSPECTION DOCUMENTATION

1. ORGANIZATION AND SCOPE OF PROGRAM:

License is managed by Dr. Dan Marshall, DVM. There are five locations of use at separate veterinary locations. The sites have one or two trained technicians. They have calibrated instruments and use a well counter for wipe surveys. A contracted physicist travels to each location and performed training, instrument checks, and audits each quarter. Material use is dependent upon the need. The Grand Rapids site performs hyperthyroid treatment of cats approximately an average of two to eight cats a month. The Eagle site has only performed four treatments this year. The Clinton Township site where Dr. Marshall, the Radiation Safety Officer (RSO), is located treats six to ten a month. Treatment varies from 3-7 millicurie of Iodine 131. After the cat is given the radioiodine, the cat remains at the facility for a minimum of 4 days. Instructions are given to the caregiver of the cat when they leave the cat and are reviewed when the cat is picked up. The instructions are what were provided in licensing along with a couple of other precautions. The waste litter of the cats are packaged in waste buckets and held for three months prior to checking to ensure they are decayed before release. The programs between the three sites inspected were consistent.

2. SCOPE OF INSPECTION:

Inspection Procedure Used: IP 87126

Focus Areas Evaluated: 02.01-02.07

Records reviewed: Selected records during calendar year 2011 were reviewed of: package receipt surveys, area dose and wipe surveys, physicist instrument calibration reports and audit reports, dosimetry reports, waste decayed release log.

The technicians demonstrated area surveys and package receipt process, survey instrument checks, well counter checks, and releasing decayed waste material.

3. INDEPENDENT AND CONFIRMATORY MEASUREMENTS:

() N/A

Instrument type: Model No.: MicroRem
S/N: 1849 Calibration Expiration Date: 09/14/2011

Model No.: Ludlum Model 18
S/N: 120030 Calibration Expiration Date: 09/13/2011

Survey/measurement results: Surveys were taken inside and outside of the facilities. The highest reading outside of the three facilities was 0.5 mR/hr. Most waste containers were 4 mR/hr. However, two waste containers were 30 to 40 mR/hr and measured 9 mR/hr at 30 centimeters from the waste bucket. The area was posted as "Radioactive Material" and was not posted as a radiation area.

4. VIOLATIONS, NCVs, AND OTHER SAFETY ISSUES:

10 CFR 20.1902(a) requires that the licensee post each radiation area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, RADIATION AREA."

Contrary to the above, as of July 15, 2011, the waste storage area at the 43727 Gratiot, Clinton Township, Michigan facility, a radiation area with a radiation dose rate of approximately 9 millirem in one hour at 30 centimeters from the radiation source was not posted with a sign bearing the radiation symbol and the words "CAUTION, RADIATION AREA."

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

5. PERSONNEL CONTACTED:
Individual(s) present at entrance meeting
*Individual(s) present at exit meeting
- # Tammy Sadek, DVM
Kristen M. Stallings, DVM
* Dan H. Marshall, DVM

-END-