



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION I  
2100 RENAISSANCE BOULEVARD, SUITE 100  
KING OF PRUSSIA, PENNSYLVANIA 19406-2713

September 10, 2012

Docket No. 03011779

License No. 06-16869-01

Alan D. Kaye, M.D.  
President  
Advanced Radiology Consultants  
56 Quarry Road  
Trumbull, CT 06611-4816

**SUBJECT: NRC INSPECTION REPORT NO. 03011779/2012001, ADVANCED  
RADIOLOGY CONSULTANTS, TRUMBULL, CONNECTICUT SITE AND  
NOTICE OF VIOLATION**

Dear Dr. Kaye:

On or around March 25, 2012, Héctor Bermúdez of this office conducted an in-office safety inspection of activities authorized by the above listed NRC license as a result of a review of a requested NRC license amendment received in our office on February 10, 2012. 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 interviews with personnel and a selective examination of representative records. Additional information provided in the telephone conversation on or around March 25, 2012, between Dr. David Wishko of your organization and this office was also examined as part of the inspection. The findings of the inspection were discussed with Dr. Wishko of your organization 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 comply with the provisions in 10 CFR 35.92 by disposing of two sealed sources with a half life in excess of 120 days in the regular trash without requesting an exemption.

The violation is cited in the enclosed Notice of Violation (Notice), because the violation was identified by the NRC.

During our inspection exit meeting on or about March 25, 2012, Dr. Wishko indicated that he was not aware of the detailed provisions of 10 CFR 35.92. He stated that your facility has taken corrective and preventative actions to address the violation and that Advanced Radiology Consultants is committed to radiation safety and to compliance with NRC regulations and license conditions. Further, Dr. Wishko stated verbally that you have taken the following corrective and preventative actions: you are now aware of the requirements, will comply with them, and if in the future you wish to dispose of radioactive materials with half lives greater than 120 days you will request an exemption and will not dispose of them as non-radioactive materials until such exemption is granted. It was further discussed that the safety significance associated with the violation was minimal to none.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed in our records. Therefore, you are not required to respond to this letter unless the description of your corrective actions in this letter 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 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 and guidance are included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. 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 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

Please contact Mr. Héctor Bermúdez at 404-997-4734 if you have any questions regarding this matter.

Sincerely,

***Original signed by James P. Dwyer***

James Dwyer, Chief  
Medical Branch  
Division of Nuclear Materials Safety

Enclosure:  
Notice of Violation

cc:  
Dr. David Wishko, Radiation Safety Officer  
State of Connecticut

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed in our records. Therefore, you are not required to respond to this letter unless the description of your corrective actions in this letter 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 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 and guidance are included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. 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 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

Please contact Mr. Héctor Bermúdez at 404-997-4734 if you have any questions regarding this matter.

Sincerely,  
**Original signed by James P. Dwyer**  
James Dwyer, Chief  
Medical Branch  
Division of Nuclear Materials Safety

Enclosure:  
Notice of Violation

cc:  
Dr. David Wishko, Radiation Safety Officer  
State of Connecticut

Distribution:  
D. J. Holody, RI  
DOCUMENT NAME: G:\WordDocs\Current\Insp Letter\L06-16869-01.2012001.doc

ML12257A021

**SUNSI Review Complete: HBermúdez**

After declaring this document "An Official Agency Record" it **will** be released to the Public.  
To receive a copy of this document, indicate in the box: "C" = Copy w/o attach/encl "E" = Copy w/ attach/encl "N" = No copy

OFFICE	DNMS/RI	N	DNMS/RI				
NAME	HBermúdez/hb		JDwyer/jd				
DATE	9/10/12		9/11/12				

A. Kaye

2

OFFICIAL RECORD COPY

## **NOTICE OF VIOLATION**

Advanced Radiology Consultants  
Trumbull, CT

Docket No. 03011779  
License No. 06-16869-01

During an NRC in-office inspection conducted on or around March 25, 2012, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 35.92 requires, in part, that a licensee may hold byproduct material with a physical half-life of less than or equal to 120 days for decay-in-storage before disposal without regard to its radioactivity if it monitors the byproduct material at the surface before disposal and determines that its radioactivity cannot be distinguished from background and removes or obliterates all radiation labels.

Contrary to the above, Advanced Radiology Consultants held byproduct material with a physical half-life of greater than 120 days for decay-in-storage and improperly disposed of the material. Specifically, on November 28, 2011, Advanced Radiology Consultants disposed of byproduct material (two Co-57 sealed sources which have a half-life of 272 days) by decay-in-storage and disposed them in the normal trash.

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

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance will be achieved is already adequately addressed on the docket. 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, 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).

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.

Notice of Violation  
Advance Radiology Consultants

2

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

Dated This 10th day of September 2012