



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

July 19, 2013

Docket No. 03037941

License No. 47-31344-02

Saad Mossallati, M.D., F.I.C.S.
Owner/Medical Director
Associated Specialists, Inc.
527 Medical Park Drive, Suite 204
Bridgeport, WV 26330

SUBJECT: NRC INSPECTION REPORT NO. 03037941/2013001, ASSOCIATED SPECIALISTS, INC., BRIDGEPORT, WEST VIRGINIA SITE AND NOTICE OF VIOLATION

Dear Dr. Mossallati:

On May 1, 2013, Robin Elliott and Robert Gallagher of this office conducted a safety inspection at the above address and at 2 Hartman Plaza, Buckhannon, West Virginia, 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 inspectors, interviews with personnel, and a selective examination of representative records. Additional information provided in your correspondence dated May 8, 2013 and June 11, 2013, was also examined as part of the inspection. The findings of the inspection were discussed with Mark Perna, Radiation Safety Officer (RSO), at the conclusion of the inspection on June 25, 2013.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that two Severity Level IV violations of NRC requirements occurred. The violations involved: 1) the failure to conduct a radiation survey and contamination evaluation of a shipment of radioactive material prior to placing it into transport; and 2) the failure to store the shipping paper within the immediate reach of the driver while he is restrained by the lap belt.

The violations are cited in the enclosed Notice of Violation (Notice), because the violations were identified by the NRC.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. For your consideration and convenience, an excerpt from NRC Information Notice 96-28, "Suggested Guidance Related to Development and Implementation of Corrective Action," is enclosed. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response, 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; 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; 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).

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

Please contact Robin Elliott at (610) 337-5076 if you have any questions regarding this matter.

Sincerely,

Original Signed by Penny Lanzisera for

James P. Dwyer, Chief
Medical Branch
Division of Nuclear Materials Safety

Enclosures:
NRC Information Notice 96-28
Notice of Violation

cc:
Mark T. Perna, Radiation Safety Officer
State of West Virginia

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; 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; 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).

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

Please contact Robin Elliott at (610) 337-5076 if you have any questions regarding this matter.

Sincerely,

Original Signed by Penny Lanzisera for

James P. Dwyer, Chief
 Medical Branch
 Division of Nuclear Materials Safety

Enclosures:
 NRC Information Notice 96-28
 Notice of Violation

cc:
 Mark T. Perna, Radiation Safety Officer
 State of West Virginia

Distribution:

D. J. Holody, RI

DOCUMENT NAME: G:\WordDocs\Current\Insp Letter\L47-31344-02.2013001.doc ML13203A033

SUNSI Review Complete: RElliott

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	N	DNMS/RI	N		
NAME	RElliott\re		RGallagher\re fl		JDwyer\pl fl			
DATE	7/19/13		7/19/13		7/19/13			

NOTICE OF VIOLATION

Associated Specialists, Inc.
Bridgeport, WV

Docket No. 03037941
License No. 47-31344-02

During an NRC inspection conducted on May 1, 2013 through June 25, 2013, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

10 CFR 71.5(a) requires, in part, that a licensee who transports licensed material outside of the site of usage, as specified in their NRC license, or where transport is on public highways, shall comply with the applicable requirements of the Department of Transportation (DOT) regulations in 49 CFR Parts 107, 171 through 180, and 390 through 397, appropriate to the mode of transport.

1. 49 CFR 173.475(i) requires, in part, that before each shipment of any Class 7 (radioactive) materials package, the offeror must ensure, by examination or appropriate tests, that the external radiation and contamination levels are within the allowable limits.

Contrary to the above, on May 1, 2013, ASI did not ensure, by examination or appropriate tests, that the external radiation and contamination levels were within the allowable limits prior to shipping a Class 7 (radioactive) materials package. Specifically, ASI prepared a shipment containing 587.9 millicuries of technetium-99m for transport, from Buckhannon, West Virginia to Bridgeport, West Virginia, without performing package surveys or package wipe tests.

This is Severity Level IV violation (Section 6.8).

2. 49 CFR 177.817(e)(2)(i) requires that when a driver is at the vehicle's controls, the shipping paper shall be within his immediate reach while he is restrained by the lap belt; and either readily visible to a person entering the driver's compartment or in a holder which is mounted to the inside door on the driver's side of the vehicle.

Contrary to the above, on May 1, 2013, when the ASI driver was at the vehicle's controls, the shipping papers were not within his immediate reach while restrained by the lap belt and the shipping papers were not visible to a person entering the driver's compartment or in a holder which is mounted to the inside of the door on the driver's side of the vehicle. Specifically, shipping papers were stored on the outside of the Type A containers which were kept in the back of ASI's mobile van.

This is Severity Level IV violation (Section 6.8).

Pursuant to the provisions of 10 CFR 2.201, Associated Specialists, Inc. 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 of receipt.

Dated This 19 day of July 2013