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EA-13-026/IA-13-012

July 15, 2013

U.S. Nuclear Regulatory Commission, Region III

c/o Ms. Anne T. Boland

Mr. Robert Hays

Mr. Scott Kryk

Ms. Patricia Lougheed

Mr. Steve Orth

Ms. Cynthia D. Peterson

2443 Warrenville Road

Suite 210

Lisle, IL 60532-4352

RE: Information Update

Dear NRC Staff:

As you know, on June 20, 2013 Mr. Armando Clavero participated in an enforcement conference held with the staff of the U.S. Nuclear Commission (the "NRC"). During this conference Mr. Armando Clavero was questioned by the NRC regarding the authenticity of the 2011 ALARA audit report, which was prepared following an annual audit of Dr. Bastow's office in South Haven, Michigan.

The NRC questioned the authenticity of the 2011 ALARA audit because the handwritten date on the report was misinterpreted to stand for 11-24-2011 when in reality, and as is detailed and documented below, the date of the report is 10-24-2011. This misapprehension of the true date is understandable in light of the poor quality of the copy of the original document.

During the enforcement hearing, NRC's staff asked Mr. Clavero whether he in fact worked at Dr. Bastow's office in Michigan on November 24, 2011 which fell on a Thanksgiving Day holiday. Mr. Clavero responded that in the past he and other members of his company have worked many holidays including even New Years, but that he was not able to recall if he worked on Thanksgiving Day in 2011.

At the time, Mr. Clavero failed to fully grasp the source of the confusion surrounding the date of the 2011 ALARA report. Following the enforcement conference, a closer review of the ALARA audit report revealed that the handwritten date that appears on it was misinterpreted by all involved because of the poor quality of the copy of the document and perhaps due to the quality of the handwriting itself.

DOCUMENTS THAT EVIDENCE THAT MR. CLAVERO WAS PRESENT AT DR. BASTOW'S OFFICE

The fact that the 2011 ALARA audit report was dated on 10-24-2011 and that the audit was actually performed on this date is evidenced by numerous related preliminary reports being attached hereto for your consideration. Attached for your review as exhibit "1", please find a copy of the dose slips/pharmacy labels for Tc-99m (Myoview) dated 10-24-2011. In addition, attached hereto for your review as Exhibit "2", please find a copy of the Dose Calibration Activity Linearity and Constancy Check prepared by Mr. Clavero. Please note that the pharmacy label for Tc-99m Order # 976330 that is present on Exhibit "1" is the same Myoview pharmacy order that was used as a configuration source in Mr. Clavero's Dose Calibration Activity Linearity and Constancy Check.

Moreover, please find attached for your review as Exhibit "3" Mr. Clavero's Chase Business Card statement for 9-22-11 through 10-21-2011. Please note the presence on this exhibit of travel related charges dated 10-19-11 for a United Airlines flight to Michigan. Lastly, please find attached for your review as Exhibit "4", a SunTrust Bank Statement showing a \$369.50 charge for in Michigan, with a "TR" or transaction date of 10/26/2011. We believe that this charge represents payments made during checkout for the relevant October 2011 trip to Dr. Bastow's office.

It has always been Mr. Clavero's practice to perform his annual ALARA audit on the same day as the quarterly Dose Calibrator Activity Linearity and Constancy Check. There would simply be no reason for Mr. Clavero to again travel to Michigan in November simply to conduct an ALARA audit when he was already present at Dr. Bastow's office at the end of October of 2010 to perform the last quarterly calibration and constancy check.

Mr. Clavero would like to apologize to the NRC staff for any confusion that the poor quality of the copy of the document at issue, any deficiencies in his handwriting, and the failure to timely identify and explain the issue to the NRC may have caused. However, Mr. Clavero would also like to stress to all involved that any suggestion that he falsified the ALARA audit report is untrue. The ALARA audit as well as the Dose Calibrator Activity Linearity and Constancy Check were both performed on the same date, October 24, 2011, as explained and documented above.

THE SURVEY METER SERIAL NUMBERS WERE MISRECORDED FROM THE PATIENT LOG BOOKS

As you may recall, the NRC was previously informed that the night before the enforcement conference, Mr. Clavero and University Nuclear & Diagnostics ("UND") identified several documents that appeared to provide evidence that at least one survey instrument was available at the office of Dr. Bradley Bastow, D.O. during the October 5, 2011 through November 28, 2011 time period in question. Specifically, Mr. Clavero and UND were presented with survey forms that listed a survey instrument with a purported serial number 172818. These documents appeared to prove that at least one instrument was present in Dr. Bastow's office on several dates at issue. This information was provided in a cover sheet during UND's presentation matric before the NRC.

At the time, Mr. Clavero and UND operated under the good faith belief that the information presented to NRC was correct. However, after attempting to track the survey instrument with a serial number revealed, UND and Mr. Clavero realized that in fact a survey instrument with a serial number of 172818 was never owned by UND.

A preliminary review of original documents indicates that a survey meter with a serial number of 172810 was initially used by the senior technologist Azam Simpson and that this senior technologist was the first to erroneously record the last digit of the serial number as an 8 instead of a 0. All other technologists, including Mr. Clavero, duplicated the incorrect serial number by copying it from the patient log without checking or verifying the actual number of the meter itself.

ARMANDO CLAVERO ACCEPTS HIS RESPONSIBILITY FOR THE FAILURE TO VERIFY SERIAL NUMBERS OF THE METERS USED BUT HE NEVER FALSIFIED ANY SURVEYS OR AUDITS

Mr. Clavero understands that this practice of copying the serial number of the survey meter from a patient log is unacceptable, and accepts his responsibility in that regard. However, we again would like to stress that the failure to verify the serial numbers from the meter and the unacceptable practice of copying that number from the patient log does not equate to the alleged falsification of surveys. Neither Mr. Clavero nor any of the other technologists involved have ever falsified any of the surveys. That being said, Mr. Clavero understands that he should have verified the actual serial number used to conduct the survey and accepts fully his responsibility for failing to do so.

In regard to the ALARA audit dated October 24, 2011, Mr. Clavero again admits that he copied the survey meter serial number from the patient logbook from prior days, instead of recording the serial number of the meter he was using during his audit. As he previously mentioned during the enforcement conference, Mr. Clavero believes that to conduct the audit he likely used the instrument with which he traveled at the time. Once again, a survey meter was at all relevant times present and was used to conduct all relevant surveys and audits. However, Mr. Clavero recognizes that he should have verified the serial number of the meter during his audit, and at all other relevant times.

As you know, UND has addressed the shortcomings in the previous documentation practice. Mr. Clavero understands and accepts his removal from supervisory position and probation with UND. Mr. Clavero fully accepts his responsibility for the failure to properly verify the actual serial numbers of the meters used. However, Mr. Clavero would like to once again emphasize that, during his career as a nuclear technologist, he never falsified any surveys or audits.

Sincerely,

Roman Grovsman

Date: 10/24/11 Nuclear Technologist: MM

Do Meas	ose Ca sured a	librator clivity u	Daily	Consta	ancy
Test Voits	rest CS-		Tc- T1- 99m 21()		Initials
	164	307	174		NW

Package Survey	Supplier	Amount mCi	Visual	Surface	l meter	Wipes
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2nd			/	0.08		30
3rd						

Gamma Camera Quality Control:

Daily Flood: Uniform No	Weekly Bar Phantom: AdequateNo
	Action:
	······································

Return Package Wipe 20

Weekl	y COR
Mean offset x-axis	Error Range x-axis

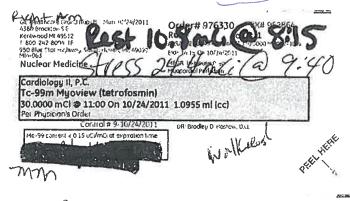
Survey Meter: Ludlum 14-C, Serial Number: 172818 Check Source

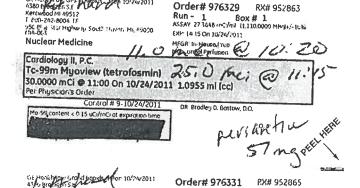
Radiation Surveys

	Daily GM area survey (mR/hr)								
	latt check	BKG	A	В	С	D	Ε	F	G
4	1,03	0.03	0.03	0.03	0.03	6.03			
	Action Level = 0.3 mR/hr above background								

		Weekl	y Area	Wipe	s (dpm)			
BKG	А	В	C	D	E	F	G	
30	30	30	30	30	30	•		
Action Level= > 500dpm								

DOSE SLIPS/ PHARMACY LABELS (Patient's name, DOB, mCi, injection site, and time dose administered)







Cardiology II, P.C.
7C-99m Myoview (tetrofosmin)
30.0000 mCi @ 15:00 On 10/24/2011 1.0048 mi [cc]
Per Physician's Order

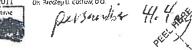
Control # 37-10/24/2011

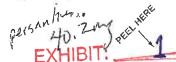
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Nuclear Medicine





Run - 2 Box # 1 ASSAY 1921-567 mCVnJ (1,110,0000 MBQ) (J-10%

FAI 15 00 Cir. 10/24/2013

Dose Calibrator Activity Linearity and Constancy Check Facility: Cardiolog 10-70-2011 Date: Dose Calibrator & Model: Calicheck Serial No: Performed by: 20 Dose Calibrator Serial No: プラクフeコ Source Configuration 1 526 330 30-6 11-Reviewed by: All readings must be taken at the lowest range setting available and convert to mel units. CRAVE Product of Tube Displayed Calibration Cotor Factor BIG ACTIVITY 46,9 mci Black only 29.2 mc Black and Red 15 PAC Black and Orange 5.30 mc Black and Yellow 1.686mci Black and Green CLI On Ci Black and Blue 0.4560 Black and Purple O. 155 A.D. Black and White [PS] Red 1. 14 4 mcl Black and White (PB) Orange 2 12 2011 Black and White (PB) Yellow SUM (Frem Column D) ____mCi No. Entries (Column B) SUM X 1.10= X 0.90= =Upper Limit *Lower Limit Congue Colomb D date to upper and lower limits to confirm librarity

The source configuration to be used must be that which was used when the calibration factors in Column Covere determined.

""The culturation factors for this column are specific to your dose calibrator and the source geometry used when determined. They can de found on data there is in your Calibrator and the source manual

Con	stancy	Ch	eck:
Contract State	and Sectional St. Very	300 M C	Then Marrie Bort

G5137:	755	Tc99m: 303	W201:
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[&]quot;Common texting I sequence show until the display is reducing to your minimum patient dose. If ut loss, or as your regulation agency requires. Use the number of entries in Column 2 in calculating the upper and lower limits.



Manage your account unline: THE STATE CONTRACTOR STATES

1 6000 545-3377

Additional contact information on back 🖒

ACCOUNT SUMMARY

Account Number:

Provious Balareta Payment Credits Parchapen Balance Transfers

Fees Charged troorest Changed

New Bularics

Opening/Closing Date

69/22/11 - 10/21/11

PAYMENT INFORMATION

New Eleberco

Payment Dun Date

Amount Date

Late Payment Warning: If we do not receive your payment by the

due date, you may have to pay up to a \$39 late tee

Minimum Payment Werning: Enroll in Auto-Pay and avoid missing a payment. To enroll, call the number on the back of your

card or go to the web site listed above.

CHASE ULTIMATE REWARDS SUMMARY

Ремица рилта бабалов	a	Start indexining today. Visit Ultimate Flowards
Points agreed on purchases	2.00%	at week chase comins,
20% Exclusives fliorest warriers on purchased	401	
Romus points Inore Uttercate Revivote Transai	G	
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With your link field own, earn 1 point per \$1 spent on all purchases, and existencely as a Chiese Checking Dustoneer, earn 32% more paints for every \$1 legent, all with no cape and no eleptopoints. Earn up to \$7,500 brings points each year. 7,500 points when you spend \$25,000, 15,000 points when you spend another \$75,000, and 25,000 points when you spend \$50,000. Redeem for bravel, menchs idina, cash and more at when chase comfine.

ACCOUNT ACTIVITY

Date of Transaction	Merchant Name or Transaction Gescription	\$ Amount
10/11	BEST BUY MHT 00005512 PLANTATION FL	
10/20	TRAVELOCITY PACKAGE 600-25A-9089 TX	
10/04	Sess Buy 00005595 PEMBRICKE PINE FL	
10/19	VAHOO TRAVEL PACKAGE 500-256-9089 TX	
10/19	UNITED 01687180050916 SAN ANTONIO TX	
10/19	UNITED 01687180050920 SAN ANTONIO TX	
10/19	UNITED - 01687190050901 SAN ANTONIO TX	
	ARMANDO NICLAVERO TRANSACTIONS THIS CYCLE (CARD SHIS): \$2,004,15	

2011 Totals Year-to-Co	Parata and A
Total fees charged in 2011	\$0.00
Total interest charged is 2011	\$0.00

INCLUDING PAYMENTS RECEIVED

Year to-Asse bytes rolling all changes makes any referrito applied to your account.

SUNTRUST BANK P 0 BOX 622227 ORLANDO FL 32862-2227

10/31/2011



10/05

Account Statement

Continued on next page EXHIBIT: ____

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ebits	Paid 10/24			ELECTRONIC/ACH (PAYCHEX EIB	DEÚIT INVOICE	X42166800003939	<u>.</u>
	10/24			CHECK CARD PUR STARBUCKS CO	CHASE RP00085761	TRIDAT WESTON FL	E 10/21
	10/24			CHECK CARD PUR EXPEDIA*140015	CHASE 5808431	TR DAT 800-367-3476 NV TR DAT	
	10/24			CHECK CARD PUR STARBUCKS CO	RP00082263	PLANTATION FL TR DAT	
	10/24			CHECK CARD PUR STARBUCKS CO CHECK CARD PUR	RP00084368	PEMBROKE PNS FL TR DAT	E 10/21
	10/24			USAPARKING/FL	LAIRPOHT	FORT LAUDERDAFL	E 10/21
	10/24			CHECK CARD PUR USAPARKING/FL	LAIRPORT	FORT LAUDERDAFL	E 10/20
	10/24			CHECK CARD PUR AVIS/BUDGET G	IP VIOLATI	FAST ELMHURSTN	(E 10/20
	10/24			CHECK CARD PUR HYATT HOTELS	ICHASE REGENCY F	888-472-2870 PA	E 10/20
	10/24			CHECK CARD PUR BANKATLANTIC CHECK CARD PUR	CENTER	SUNRISE FL	TE 10/20
	10/24			SUDGET.COM F	PREPAY	8006212844 NJ	ΓΕ 10/20
	10/24			CHECK CARD PUR UNITED 01687	183838335	ATI ANTA GA	TE 10/20
	10/25			CHECK CARD PUF M STARBUCKS	BO12201513	CHARLOTTE NC	TE 10/22
	10/25			CHECK CARD PUF STARBUCKS CX	RCHASE DRP00085761	WESTON FL	TE 10/21
	10/25			CHECK CARD PUR HYATT HOTELS	REGENCYF	888-472-2870 PA	TE 10/22
	10025			CHECK CARD PUR SHELL OIL 5754	13608806	WESTON FL	TE 10/22
	10/25			CHECK CARD PUL HYATT HOTELS	SHEGENCYP	888-472-2870 PA	TE 10/24
	10/27			CHECK CARD PUI DINER 84		DAVIE FL	TE 10/25
	10/27	4		CHECK CARD PUI CARDINAL HEA	LTH NUC	614-757-5118 OH	TE 10/26
	10/28			CHECK CARD PUI STARBUCKS C	OBP00082263	PLANTATION FL	TE 10/26
	10/28			CHECK CARD PU	OLDINGS, LL		TE 10/25
	10/28			CHECK CARD PU HOLIDAY INN E	XPRESS	SOUTH HAVEN MI	TE 10/26
	10/28			CHECK CARD PU ATT BILL PAYN	AEN I	866-620-6000 TX	
	10/28 10/31			MISCELLANEOUS CHECK CARD PU TRI-WIN DIGITA	INCHASE AL PRINT	DALLAS TX	TE 10/25 TE 10/27
	10/31			CHECK CARD PU NATIONAL INS	TRUMENTS C	08004333488 TX	(TE 10/27
	10/31	i .	F.	CHECK CARD PU GE HEALTH-BI	IRCHASE IOSCIENCES	800-292-8514 NJ	\$ 11 Juny 1 West Start
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Activity History	10/01 10/03 10/04 10/05			æ	10/07 10/11 10/12 10/13		

Member FDIC