

LAW OFFICES OF ROMAN GROYSMAN, P.A.

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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 Groysman



Date: 10/24/11 Cardiology II, P.C.
Nuclear Technologist: MM

Dose Calibrator Daily Constancy
Measured activity using Cs-137 standard

Test Voits	CS-137	Tc-99m	Tl-210	+/- 10%	Initials
	164	307	174		MM

Package Survey	Supplier	Amount mCi	Visual	Surface	I meter	Wipes dpm
1st			✓	0.08	0.03	30
2nd			✓	0.08	0.03	30
3rd						

Return Package (s) Survey 0.02 mR/hr
Return Package Wipe 20 dpm

Gamma Camera Quality Control:

Daily Flood: Uniform No
Action: _____

Weekly Bar Phantom: Adequate No
Action: _____

Weekly 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)

Ball check	BKG	A	B	C	D	E	F	G
0.03	0.03	0.03	0.03	0.03	0.03			

Action Level = 0.3 mR/hr above background

Weekly Area Wipes (dpm)

BKG	A	B	C	D	E	F	G
30	30	30	30	30	30		

Action Level = > 500 dpm

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

Event # MM Date: 10/24/2011 Order# 976330 RX# 952864
 4380 Brockton SE
 Kenwood MI 49512
 T: 800-242-8004
 950 Blue Star Highway, South Haven, MI 49090
 MHA-063
 Nuclear Medicine
Rest 10.5 mCi @ 8:15
stress 2.4 mCi @ 9:40

Cardiology II, P.C.
 Tc-99m Myoview (tetrofosmin)
 30.0000 mCi @ 11:00 On 10/24/2011 1.0955 ml (cc)
 Per Physician's Order

Control # 9-10/24/2011 DR: Bradley D. Bastow, D.O.
 Mc-99 content < 0.15 uCi/mCi at expiration time
 [Redacted]
 mm

Event # MM Date: 10/24/2011 Order# 976329 RX# 952863
 4380 Brockton SE
 Kenwood MI 49512
 T: 800-242-8004
 950 Blue Star Highway, South Haven, MI 49090
 MHA-063
 Nuclear Medicine
11.0
@ 10:20

Cardiology II, P.C.
 Tc-99m Myoview (tetrofosmin) **25.0 mCi @ 11:15**
 30.0000 mCi @ 11:00 On 10/24/2011 1.0955 ml (cc)
 Per Physician's Order

Control # 9-10/24/2011 DR: Bradley D. Bastow, D.O.
 Mc-99 content < 0.15 uCi/mCi at expiration time
 [Redacted]
 persan heru 57 mg PEEL HERE

Event # MM Date: 10/24/2011 Order# 976328 RX# 952862
 4380 Brockton SE
 Kenwood MI 49512
 T: 800-242-8004
 950 Blue Star Highway, South Haven, MI 49090
 MHA-063
 Nuclear Medicine
10.4 mCi @ 9:05

Cardiology II, P.C.
 Tc-99m Myoview (tetrofosmin) **24.5 mCi @ 10:10**
 30.0000 mCi @ 11:00 On 10/24/2011 1.0955 ml (cc)
 Per Physician's Order

Control # 9-10/24/2011 DR: Bradley D. Bastow, D.O.
 Mc-99 content < 0.15 uCi/mCi at expiration time
 [Redacted]
 persan heru 41.4 PEEL HERE

Event # MM Date: 10/24/2011 Order# 976331 RX# 952865
 4380 Brockton SE
 Kenwood MI 49512
 T: 800-242-8004
 950 Blue Star Highway, South Haven, MI 49090
 MHA-063
 Nuclear Medicine
10.8 @ 11:10

Cardiology II, P.C.
 Tc-99m Myoview (tetrofosmin) **29.8 @ 12:15**
 30.0000 mCi @ 15:00 On 10/24/2011 1.0048 ml (cc)
 Per Physician's Order

Control # 9-10/24/2011 DR: Bradley D. Bastow, D.O.
 Mc-99 content < 0.15 uCi/mCi at expiration time
 [Redacted]
 persan heru 40.2 mg PEEL HERE

EXHIBIT: 1

Dose Calibrator Activity Linearity and Constancy Check

Facility: Cardiology II Date: 10-29-2011
 Dose Calibrator & Model: Capitol CR-15 Calcheck Serial No: _____
 Dose Calibrator Serial No: 170202 Performed by: SR
 Source Configuration: 926330 30.0 Na-22 Reviewed by: _____ RSO
7097 Hysia

All readings must be taken at the lowest range setting available and convert to mCi units.

A** Tube Color	B** Displayed Activity	C** Calibration Factor	D Product of B x C
Black only	<u>4619</u> mCi	X _____	= _____
Black and Red	<u>2912</u> mCi	X _____	= _____
Black and Orange	<u>1519</u> mCi	X _____	= _____ <u>from source</u>
Black and Yellow	<u>3308</u> mCi	X _____	= _____ <u>HL lab 1.07</u>
Black and Green	<u>1686</u> mCi	X _____	= _____ <u>Spur lab 0.7</u>
Black and Blue	<u>5150</u> mCi	X _____	= _____ <u>Washby Area: 0.8</u>
Black and Purple	<u>0.459</u> mCi	X _____	= _____ <u>Energy Room 0.08</u>
Black and White (PB) Red	<u>0.1558</u> mCi	X _____	= _____ <u>Energy Room 0.08</u>
Black and White (PB) Orange	<u>0.0434</u> mCi	X _____	= _____ <u>Random 0.08</u>
Black and White (PB) Yellow	<u>0.1002</u> mCi	X _____	= _____ <u>same as above</u>
SUM (From Column B)	_____ mCi	X _____	= _____ <u>140</u>
No. Entries (Column B)	_____	SUM	= _____ <u>+ 172813</u>
		X 1.10 = _____	
		X 0.90 = _____	= Upper Limit
			= Lower Limit

Compare Column D data to upper and lower limits to confirm linearity

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

**Continue testing sequence until the display is reducing to your minimum patient dose, 10 uCi or less, or as your regulation agency requires. Use the number of entries in Column B in calculating the upper and lower limits.

***The calibration factors for this return are specific to your dose calibrator and the source geometry used when determined. They can be found on data sheet #1 in your Calcheck Kit instruction manual.

Constancy Check:

Cs137: 155 Tc99m: 303 Tl201: 171

EXHIBIT: 2



Manage your account online:
www.chase.com/rewardscard

Customer Service
 1 800 945-2027

Additional contact
 information on back

ACCOUNT SUMMARY

Account Number:

Previous Balance
 Payment Credits
 Purchases
 Balance Transfers
 Fees Charged
 Interest Charged
 New Balance

Opening/Closing Date 09/22/11 - 10/21/11

PAYMENT INFORMATION

New Balance
 Payment Due Date
 Amount Due

Late Payment Warning: If we do not receive your payment by the due date, you may have to pay up to a \$39 late fee.

Minimum Payment Warning: 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

Previous points balance	0	Start redeeming today. Visit Ultimate Rewards at www.chase.com/ink .
Points earned on purchases	2,006	
10% Excessives Bonus earned on purchases	401	
Bonus points from Ultimate Rewards Travel	0	
Bonus points earned at Ultimate Rewards Mall	0	
First use points waived	10,000	
Current Points Total	12,406	

With your Ink® card, earn 1 point per \$1 spent on all purchases, and exclusively as a Chase Checking Customer, earn 20% more points for every \$1 spent, all with no caps and no expirations. Earn up to 47,500 bonus points each year: 7,500 points when you spend \$25,000, 15,000 points when you spend another \$25,000, and 25,000 points when you spend \$50,000. Redeem for travel, merchandise, cash and more at www.chase.com/ink.

ACCOUNT ACTIVITY

Date of Transaction	Merchant Name or Transaction Description	\$ Amount
10/11	BEST BUY MHT 00005517 PLANTATION FL	
10/20	TRAVELOCITY PACKAGE 800-258-9089 TX	
10/04	Best Buy 00005595 PEMBROKE PINE FL	
10/19	YAHOO! TRAVEL PACKAGE 800-258-9089 TX	
10/19	UNITED 01687160050916 SAN ANTONIO TX	
10/19	UNITED 01687160050920 SAN ANTONIO TX	
10/19	UNITED 01687160050931 SAN ANTONIO TX	

Travel to Michigan

ARMANDO N. CLAYERO
 TRANSACTIONS THIS CYCLE (CARD 5913) \$2,004.15
 INCLUDING PAYMENTS RECEIVED

2011 Totals Year-to-Date	
Total fees charged in 2011	\$0.00
Total interest charged in 2011	\$0.00

Year-to-Date totals reflect all charges minus any refunds applied to your account.

10/31/2011



Account Statement

Withdrawals/Debits	Date Paid	Amount	Serial #	Description	
	10/24			ELECTRONIC/ACH DEBIT	X42166800003939
				PAYCHEX EIB INVOICE	TR DATE 10/21
	10/24			CHECK CARD PURCHASE	WESTON FL
				STARBUCKS CORP00085761	TR DATE 10/21
	10/24			CHECK CARD PURCHASE	800-367-3476 NV
				EXPEDIA*140015808431	TR DATE 10/20
	10/24			CHECK CARD PURCHASE	PLANTATION FL
				STARBUCKS CORP00082263	TR DATE 10/21
	10/24			CHECK CARD PURCHASE	PEMBROKE PNS FL
				STARBUCKS CORP00084368	TR DATE 10/21
	10/24			CHECK CARD PURCHASE	FORT LAUDERDAFL
				USAPARKING/FLL AIRPORT	TR DATE 10/21
	10/24			CHECK CARD PURCHASE	FORT LAUDERDAFL
				USAPARKING/FLL AIRPORT	TR DATE 10/20
	10/24			CHECK CARD PURCHASE	EAST ELMHURSTNY
				AVIS/BUDGET GP VIOLA1	TR DATE 10/20
	10/24			CHECK CARD PURCHASE	888-472-2870 PA
				HYATT HOTELS REGENCY F	TR DATE 10/20
	10/24			CHECK CARD PURCHASE	SUNRISE FL
				BANKATLANTIC CENTER	TR DATE 10/20
	10/24			CHECK CARD PURCHASE	8006212844 NJ
				BUDGET.COM PREPAY	TR DATE 10/20
	10/24			CHECK CARD PURCHASE	ATLANTA GA
				UNITED 01687183838336	TR DATE 10/20
	10/25			CHECK CARD PURCHASE	CHARLOTTE NC
				M STARBUCKS BO12201513	TR DATE 10/22
	10/25			CHECK CARD PURCHASE	WESTON FL
				STARBUCKS CORP00085761	TR DATE 10/21
	10/25			CHECK CARD PURCHASE	888-472-2870 PA
				HYATT HOTELS REGENCY F	TR DATE 10/22
	10/25			CHECK CARD PURCHASE	WESTON FL
				SHELL OIL 57543008806	TR DATE 10/22
	10/25			CHECK CARD PURCHASE	888-472-2870 PA
				HYATT HOTELS REGENCY P	TR DATE 10/24
	10/27			CHECK CARD PURCHASE	DAVIE FL
				DINER 84	TR DATE 10/25
	10/27			CHECK CARD PURCHASE	614-757-5118 OH
				CARDINAL HEALTH NUC	TR DATE 10/26
	10/28			CHECK CARD PURCHASE	PLANTATION FL
				STARBUCKS CORP00082263	TR DATE 10/26
	10/28			CHECK CARD PURCHASE	350-3120892 WA
				VOCLUS PRW HOLDINGS, LL	TR DATE 10/25
	10/28			CHECK CARD PURCHASE	SOUTH HAVEN MI
				HOLIDAY INN EXPRESS	TR DATE 10/26
	10/28			CHECK CARD PURCHASE	866-620-6000 TX
				ATT*BILL PAYMENT	TR DATE 10/26
	10/28			MISCELLANEOUS DEBIT	DALLAS TX
				CHECK CARD PURCHASE	TR DATE 10/27
	10/31			TRI-WIN DIGITAL PRINT	08004333488 TX
				CHECK CARD PURCHASE	TR DATE 10/27
	10/31			NATIONAL INSTRUMENTS C	800-292-8514 NJ
				CHECK CARD PURCHASE	
	10/31			GE HEALTH-BIOSCIENCES	

Withdrawals/Debits: 91

Balance Activity History	Date	Balance	Collected Balance	Date	Balance	Collected Balance
	10/01			10/07		
	10/03			10/11		
	10/04			10/12		
	10/05			10/13		
	10/06			10/14		