

Dr. Brad Bastow  
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October 3, 2013

U.S. Nuclear Regulatory Commission, Region III  
Director, Division of Nuclear Material Safety  
2443 Warrenville Rd. Suite 210  
Lisle, IL 60532-4352

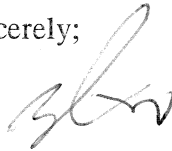
Subject: EA-13-025 and Confirmatory Order dated September 13, 2013

Dear Sir or Madam;

A copy of the email received 9/17/13 confirms the starting date of the confirmatory order is attached at the bottom of this letter. As required by the subject Confirmatory Order, I am submitting this 30 day response on the actions taken in response to the specific requirements of the Order. These actions are outlined lined in Attachment I to this letter, which was emailed & mailed USPS on 10/3/13.

If you have any question, please contact me at 269-637-1388 or [bbastow@cardiologyiipc.com](mailto:bbastow@cardiologyiipc.com)

Sincerely;



Brad Bastow M.B.A., D.O., C.P.E.

**From:** Lougheed, Patricia [<mailto:Patricia.Lougheed@nrc.gov>]  
**Sent:** Tuesday, September 17, 2013 12:26 PM  
**To:** [petroy@zbzoom.net](mailto:petroy@zbzoom.net)  
**Subject:** Confirmatory Order Issued in Federal Register

Mr. Troy

For yours, and Dr. Bastow's information, the Confirmatory Order on Dr. Bastow was issued in the Federal Register on Friday, September 13. This will start the time clock for the various actions mentioned in the Confirmatory Order. The citation is 78 FR 56745 and you can view it by following this link: <https://www.federalregister.gov/>. At the bottom there is a search feature. If you enter the citation as above, it will come up.

Thanks

Patricia Lougheed

Senior Enforcement Coordinator

Nuclear Regulatory Commission, Region III

2443 Warrenville Rd, Lisle IL 60532, Suite 210

(630) 810-4376 [Patricia.Lougheed@nrc.gov](mailto:Patricia.Lougheed@nrc.gov)

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## Attachment I - Response to 30 Action Items

The following response is submitted in response to the immediate and 30 day requirements contained in Sections III and V of the Confirmatory Order:

**A.1. The NRC will issue a written Notice of Violation to accompany the Order addressing the violations and the licensee will respond with how the violations were corrected, within 30 days of the date of the Order.**

**(1) failing to perform weekly contamination surveys; (2) failing to perform storage area surveys; (3) failing to conduct a survey instrument calibration; (4) failing to monitor the external surfaces of labeled packages for radioactive contamination;**

Licensee Response:

The RSO has reviewed the requirements and expectations regarding documentation of these requirements with the contract technician. The RSO will review the subject records periodically and supplement those regular reviews with random reviews to ensure future compliance.

**(5) failing to conduct dose calibrator linearity tests that were calibrated with nationally recognized standards;**

Licensee Response:

No dose calibrator linearity test has been performed since the date of the audit. The RSO will require the individual performing the test to demonstrate that the calibration process to be used is a nationally recognized standard.

**(6) failing to conduct a formal annual review of the radiation safety program;**

Licensee Response:

Documentation of formal annual reviews will be improved to provide assurance to the NRC that such reviews were performed.

**(7) failing to ensure that records were complete and accurate;**

Licensee Response:

The Licensee is committed to having records that are complete and accurate in all respects. To that end the Licensee has reviewed its expectations on documentation and record keeping with its contractor and the contractor technician. In order to ensure the contractor and contractor technician meet their commitments for improvement, the RSO will periodically review records on a random basis. These reviews will address the weaknesses regarding documentation identified during this inspection as well as other areas to ensure there is no recurrence.

**(8) failing to issue a whole body radiation exposure measuring device to an individual who was occupationally exposed to ionizing photon radiation on a regular basis and failing to issue a finger radiation exposure measuring device to an individual who handled radioactive material on a regular basis;**

Licensee Response: The technician involved has been trained on requirements for assigning whole body radiation exposure measuring devices and the issuance and use of finger radiation exposure measuring devices when handling radioactive material. The RSO will review the individual's use of these devices monthly and on a random basis to ensure compliance.

**(9) failing to read film badges on a monthly basis, and the named Radiation Safety Officer (RSO) failing to evaluate the results;**

Licensee Response:

In addition to the actions taken in response to apparent violation number 8, film badges have been read monthly and the results evaluated.

**(10) failing to leak test sealed sources at 6 months intervals;**

Licensee Response:

No seal source leak test was required since the date of the Order. The RSO will monitor the contractor conducting future seal source leak tests to ensure that the tests are conducted within the required periodicity and are properly documented.

**(11) failing to conduct a semi-annual physical inventory of all sealed sources in its possession;**

No seal source semi-annual inventory required since the date of the Order. The RSO will monitor the contractor conducting future seal source semi-annual inventory to ensure that the inventories are conducted within the required periodicity and are properly documented.

**(12) failing to perform daily surveys;**

Licensee Response:

A calibrated and operable second survey meter is now available for use and a supply of batteries is readily available both on site and from a commercial facility within a mile of the office. The facility contract technician has been made aware of these actions and trained on daily survey requirements. The RSO will periodically monitor survey records to ensure compliance with daily survey requirements.

**(13) failing to assay wipes for removable contamination using a procedure sufficiently sensitive to detect 2000 disintegrations per minute (dpm);**

Licensee Response:

The well counter is being evaluated to determine if it can be repaired. If not, a license amendment will be submitted in accordance with the schedule stipulated in the Order.

**(14) the named RSO failing to ensure that radiation safety activities were being performed in accordance with licensee-approved procedures and regulatory requirements.**

Licensee Response:

As an immediate corrective action, the RSO conducted a self review of radiation safety requirements as outlined in his radiation safety training materials. In addition, the RSO is scheduling a medical RSO refresher training course and will meet with and shadow a qualified RSO for an 8 hour period.

- A.2. Within 30 days of the date of the Order, the licensee will ensure that all equipment listed on the license (except the well counter) is restored to service, calibrated, and operable, including a back-up survey meter.**

Licensee Response:

All equipment listed on the license, except the well counter, has been restored to service, calibrated and operable, including a back-up survey meter.

- B.3. Upon issuance of the Order, the licensee will increase radiation safety program reviews from annually to quarterly for one year and provide a copy of the reports to the NRC within 60 days of completion of the audits. The reports must include all documented safety concerns raised by persons (staff and contractors) performing duties under the NRC license, along with any self-identified violations and the corrective actions taken to resolve the concerns.**

Licensee Response:

Radiation Safety Program reviews are now conducted quarterly. Reports will be sent to the NRC within 60 days of the audit's completion.

- C.1. Within 30 days of the date of the Order, the licensee will document a written Safety Culture Policy that applies to all persons (staff and contractors) performing duties under the NRC license. The policy must include that concerns will be documented, the actions taken to resolve the concerns, who resolved the concern, and when the concerned was resolved. Upon resolution of the concern, the documented concern is signed by both the concerned individual and the RSO that resolution was satisfactory.**

Licensee Response:

A written safety culture policy that applies to all persons (staff and contractors) performing duties under the NRC license has been prepared. The policy requires all concerns to be documented, the actions taken to resolve the concern, who resolved the concern, and when the concern was resolved. It also requires that upon resolution of the concern, the documented concern should be signed by the RSO and the concerned individual unless the concern was filed anonymously or the concerned individual is unavailable to sign the concern.

- F. Within 30 days of the date of the Order, the licensee shall pay the civil penalty in the amount of \$1,000 in accordance with NUREG/BR-0254 and submit to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, a statement indicating when and by what method payment was made.**

Licensee Response:

NRC Form 629 was completed with the required credit card information and faxed to the NRC a week ago (9/27/13).