

September 25, 2014
EN-14-036

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Metro Cardiovascular Diagnostics EA-14-072
Florissant, Missouri

Subject: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL
PENALTY-\$3,500

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$3,500 will be issued on or about September 30, 2014, to Metro Cardiovascular Diagnostics (licensee) for a willful Severity Level III violation. Specifically, the licensee's employee willfully used a survey meter that was out of calibration to perform waste disposal surveys in June and November 2012. In addition, the NRC identified several radiation safety violations involving the failure to: (1) calibrate the survey meter; (2) verify the linearity of the dose calibrator; (3) verify the efficiency of the well counter; (4) perform sealed source leak tests; (5) perform sealed source physical inventories; (6) maintain records of hazardous material (hazmat) training; (7) perform an annual audit; and (8) implement the radiation safety program. These additional violations were grouped together as a Severity Level III problem due to a common root cause.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$3,500 is considered for a Severity Level III violation or problem. The licensee was given the opportunity to respond in writing or to attend a PEC or ADR. The licensee responded in writing and acknowledged the violations. The NRC considered whether credit was warranted for both *Identification* and *Corrective Action* for the willful Severity Level III violation in accordance with the civil penalty assessment process described in Section 2.3.4 of the Enforcement Policy. Credit was not warranted for *Identification* because the NRC identified the violation, but credit was warranted for *Corrective Action*. The corrective actions included, but were not limited to: (1) calibrating the survey meter; (2) retraining staff; (3) enhancing communication between the staff and the consultant; (4) setting up a full service contract with the consultant for ongoing routine service; and (5) establishing a firm policy that all patients and work must be canceled until a calibrated survey instrument is on site. The civil penalty assessment of this violation resulted in a civil penalty of \$3,500.

Since the remaining violations that comprised the Severity Level III problem were not willful and escalated enforcement was not issued to this licensee in the last two years or two inspections, *Identification* is not applicable for this civil penalty assessment. Credit for *Corrective Action* was warranted as described above, so the civil penalty assessment of this problem results in no civil penalty.

It should be noted that the licensee has not been specifically informed of this enforcement action. The schedule of issuance and notification is:

Mailing of Notice	September 30, 2014
Telephone Notification of Licensee	September 30, 2014

The State of Missouri will be notified.

CONTACTS: Kerstun Norman, OE/EB (301) 415-1252	Shahram Ghasemian, OE/EB (301) 415-3591
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DATE	9/24/2014	9/25/2014

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