

July 30, 2015
EN 14-043a

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Bradley D. Bastow, D. O.
South Haven, MI

EA-14-116
IA-14-039

Subject: IMPOSITION OF CIVIL PENALTY - \$7,000 AND PROHIBITION ORDER

This is to inform the Commission that an Order Imposing a Civil Monetary Penalty in the amount of \$7,000 will be issued on or about August 4, 2015, to a medical licensee, Bradley D. Bastow, D. O. Under the terms of the Order, the licensee may, within 30 days of the date of the Order, pay the civil penalty or request a hearing.

On September 3, 2013, the NRC issued a Confirmatory Order to Bradley D. Bastow, D. O. as part of an alternative dispute resolution mediation settlement agreement to resolve issues discovered during an inspection and an investigation conducted by the NRC Office of Investigations. In April 2014, the NRC performed a followup inspection and determined that the licensee either did not meet the terms of the Confirmatory Order or did not meet them in the time specified by the Order. Of particular concern was the failure to restore compliance to one of the initial violations that formed the basis of the Confirmatory Order – providing a calibrated and operable well counter or submitting a license amendment request for alternate instrumentation. Not having this instrumentation has a direct health and safety impact on the licensee's staff and patients in that, without the instrumentation, the licensee staff are not able to provide accurate contamination readings. On November 6, 2014, the NRC issued a Notice of Violation and Proposed Imposition of a Civil Penalty (NOV/CP) for the Severity Level III Problem involving failure to meet the terms of a Confirmatory Order. Bradley D. Bastow, D. O. responded to the Notice via a letter dated December 6, 2014, requesting mitigation of the proposed civil penalty. After considering the information in Bradley D. Bastow, D. O.'s response, the NRC decided to impose the original civil penalty of \$7,000.

In addition to the Imposition Order, a Confirmatory Order will be issued on or about August 4, 2015, to Dr. Bastow to articulate his commitment that he would no longer serve as the Radiation Safety Officer (RSO) for Cardiology II, P.C, as outlined in a letter from Dr. Bastow dated September 19, 2014. The Order will prohibit Dr. Bastow from serving as an RSO until he demonstrates training and his commitment to compliance with regulatory requirements. This Order does not prevent Dr. Bastow from serving as an authorized user. Dr. Bastow consented to this Order on April 17, 2015.

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

Mailing of Orders
Telephone notification to the Licensee

August 4, 2015
August 4, 2015

The State of Michigan will be notified.

Distribution: EN-14-043a, July 30, 2015

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CONTACTS: Thomas Marenchin, OE/EB
301-415-2979

Nick Hilton, OE/EB
301-415-3055

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