

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED: Delaware Outpatient Center for Surgery 774 Christiana Road, Suite 2 Newark, DE 19713 REPORT NUMBER: 2016-001	2. NRC/REGIONAL OFFICE U.S. Nuclear Regulatory Commission Region I, 2100 Renaissance Blvd, Suite 100 King of Prussia, Pennsylvania 19406-2713
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3. DOCKET NUMBER 030-37830	4. LICENSE NUMBER 07-31332-01	5. DATE OF INSPECTION February 29, 2016
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LICENSEE:

The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Nuclear Regulatory Commission (NRC) rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector. The inspection findings are as follows:

- 1. Based on the inspection findings, no violations were identified.
- 2. Previous violation(s) closed.
- 3. The violation(s), specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is being taken, and the remaining criteria in the NRC Enforcement Policy, to exercise discretion, were satisfied.

Non-cited violation(s) were discussed involving the following requirement(s) and corrective action(s):

- 4. During this inspection, certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited in accordance with the NRC Enforcement Policy. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11. (Violations and Corrective Actions)

See page 2 for details

Statement of Corrective Actions

I hereby state that, within 30 days, the actions described by me to the inspector will be taken to correct the violations identified. This statement of corrective actions is made in accordance with the requirements of 10 CFR 2.201 (corrective steps already taken, corrective steps which will be taken, date when full compliance will be achieved). I understand that no further written response to NRC will be required, unless specifically requested.

Title	Printed Name	Signature	Date
LICENSEE'S REPRESENTATIVE	Suzanne Rodenhiser (CFE)	<i>[Signature]</i>	3/22/16
NRC INSPECTOR	Shawn W. Seeley	<i>[Signature]</i>	3/22/16
BRANCH CHIEF	James P. Dwyer	<i>[Signature]</i>	4/12/16

SUNSI Review Completed By: IRA [Signature] Public Non-Sensitive

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(Continued from Page 1)

10 CFR 71.5 requires, in part, that each licensee who delivers licensed material to a carrier for transport, shall comply with the applicable requirements of the DOT regulations in 49 CFR, appropriate to the mode of transport.

49 CFR 172.702 requires that each hazmat employer shall ensure that each hazmat employee is trained and tested, and that no hazmat employee performs any function subject to the requirements of 49 CFR Parts 171-177 unless trained, in accordance with Subpart H of 49 CFR Part 172. The terms Hazmat Employer and Hazmat Employee are defined in 49 CFR 171.8.

Contrary to the above, on February 22, 2016, the licensee did not comply with the applicable requirements of the DOT regulations in 49 CFR, appropriate to the mode of transport, when it delivered licensed material to a carrier for transport. Specifically, a license employee who had not been trained prior to doing so, prepared a box for shipment that was subject to the requirements of 49 CFR Parts 171-177 in accordance with Subpart H to 49 CFR Part 172.

This is a Severity Level IV Violation (Enforcement Policy Section 6.8.d)

The licensee implemented corrective actions that included: retraining all personnel in the expectations for returning unused licensed material pursuant to the licensee's procedures and restricting this activity to physics staff only.