

NRC FORM 591M PART 1
(07-2012)
10 CFR 2.201

U.S. NUCLEAR REGULATORY COMMISSION

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED:

Cardiovascular Consultants of Marion, P.C.
1123 North Western Avenue
Marion, Indiana 46952

REPORT NUMBER(S) 2017001

2. NRC/REGIONAL OFFICE

Region III
U. S. Nuclear Regulatory Commission
2443 Warrenville Road, Suite 210
Lisle, IL 60532-4352

3. DOCKET NUMBER(S)

030-35639

4. LICENSE NUMBER(S)

13-32301-01

5. DATE(S) OF INSPECTION

April 17, 2017

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):

- 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 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)

10 CFR 71.5(a) requires that a licensee who transports licensed material outside of the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 107, 171-180, and 390-397.

49 CFR 172.702 requires that each hazmat employer 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. 49 CFR 172.704(c) requires, in part, that a hazmat employee receive initial training, and recurrent training at least once every three years. (continued on Part 2)

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	GARY A. FRICK, DO, RSO		5/4/17
NRC INSPECTOR	Geoffrey M. Warren		5/3/17
BRANCH CHIEF	Aaron T. McCraw		5/3/17

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(Continued)

Contrary to the above, as of April 17, 2017, the licensee failed to provide training for its one hazmat employee which satisfied the requirements in Subpart H to 49 CFR Part 172, in that no such training had been provided since well before April 2014, and the licensee otherwise meets the definition of hazmat employer in 49 CFR 171.8.

As corrective action, the licensee provided the training to the hazmat employee on April 25, 2017, and stated that the training would be tracked on a white board with other tracked activities in order to ensure that the training would be provided timely in the future.

Docket File Information

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6. INSPECTION PROCEDURES USED 87130	7. INSPECTION FOCUS AREAS 03.01 - 03.09
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SUPPLEMENTAL INSPECTION INFORMATION

1. PROGRAM CODE(S) 02201	2. PRIORITY 5	3. LICENSEE CONTACT Gary Frick, D.O., RSO	4. TELEPHONE NUMBER (765) 651-9347
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Main Office Inspection Next Inspection Date: 4/17/2022
 Field Office Inspection
 Temporary Job Site Inspection

PROGRAM SCOPE

This was a routine, unannounced inspection of a cardiology clinic located in Marion, Indiana, with authorization to perform nuclear medicine for diagnostic imaging under 10 CFR 35.200. Licensed activities were conducted only at the location indicated on the license. The nuclear medicine department was staffed with one full-time nuclear medicine technologist. The technologist typically administered 60 diagnostic doses monthly, limited to cardiac stress testing. Doses were received as unit doses from a licensed nuclear pharmacy. All waste was either held for decay-in-storage (DIS) or returned to the nuclear pharmacy. Nuclear medicine procedures were performed Mondays through Thursdays.

Performance Observations: No patient procedures were scheduled the day of the inspection. The technologist demonstrated morning checks, package receipt and return surveys and wipes, and daily and weekly contamination surveys, and described dose preparation and disposal, patient administrations, and other procedures. Inventories, leak tests, and dose calibrator linearity and accuracy testing were performed by the technologist and analyzed by an outside physicist. Interviews with licensee personnel indicated adequate knowledge of radiation safety concepts and procedures. Review of dosimetry records indicated no exposures of concern. The inspector performed independent and confirmatory radiation measurements which indicated results consistent with licensee survey records and postings.

The inspector identified one violation of 10 CFR 71.5 and 49 CFR Parts 172 and 174 concerning the failure to perform DOT hazmat training at the required three-year frequency. The technologist remembered taking the training well over three years prior to the inspection but could not identify any documentation concerning the training. Corrective actions are described in the notice of violation.

The inspector closed a violation from the January 2012 inspection concerning the failure to perform audits as required by 10 CFR 20.1101(c). While the licensee did not document such audits, the radiation safety officer described activities he performed in overseeing the program which constitute audit activities. The inspector discussed the requirement to document such activities to demonstrate how the licensee meets the requirement. Based on this, the violation is closed. The inspector considered the failure to document audits under 10 CFR 20.2102(a)(2) to be minor.

Warren, Geoffrey

From: Warren, Geoffrey
Sent: Wednesday, May 03, 2017 11:42 AM
To: 'Becki Frick'
Subject: NRC Inspection Report
Attachments: CC-Marion - 591M 5-3-17.pdf

Enclosed is the NRC Form 241 we discussed. Please print this out and have Dr. Frick print his name and title in the "Licensee's Representative" box at the bottom of the first page, then sign and date in the appropriate boxes there. This signature documents his agreement with the violation and represents his commitment as RSO that the corrective actions described have been and will be taken as described.

Once the form is signed, please either scan and email it back to me or fax it to 630-515-1259 to my attention.

This is the only report you will receive of this inspection. During your next inspection, the inspector will ensure that the corrective actions have been completed as described.

Please contact me if you have any questions.

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Geoffrey Warren
Senior Health Physicist
NRC Region III
630-829-9742