



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352

February 8, 2018

Dr. Hammam Zmily, M.D.
Premier Cardiovascular Consultants
1629 West Big Beaver Road
Troy, MI 48084

SUBJECT: NRC INITIAL INSPECTION REPORT NO. 03039015/2017001(DNMS) AND
NOTICE OF VIOLATION – PREMIER CARDIOVASCULAR CONSULTANTS

Dear Dr. Zmily:

On December 15, 2017, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted an initial inspection at your facility in Troy, Michigan with in-office review through January 25, 2018. The purpose of the inspection was to review activities performed under your NRC license to ensure that activities were being performed in accordance with NRC requirements. The in-office review included an evaluation of qualifications for the individual you have appointed to serve as your new Radiation Safety Officer (RSO). Mr. Ryan Craffey of my staff conducted a final exit meeting by telephone with your new RSO, Mr. Ray Carlson, on January 30, 2018, to discuss the inspection findings. This letter presents the results of the inspection.

During this inspection, the NRC staff examined activities conducted under your license related to public health and safety. Additionally, the staff examined your compliance with the Commission's rules and regulations as well as the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, and interviews with personnel.

Based on the results of this inspection, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation concerned the failure to notify the Commission no later than 30 days after your previous RSO permanently discontinued the performance of duties under the license, as required by Title 10 of the *Code of Federal Regulations* (CFR) 35.14(b)(1). The violation is cited in the enclosed Notice of Violation (Notice). The NRC is citing the violation in the enclosed Notice because the inspector identified the violation.

The inspector determined that the root cause of the violation was an oversight. As corrective action to restore compliance, on January 9, 2018, you submitted the required notification to the NRC in the form of an amendment request to name a new RSO.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in this letter and in

your notification, dated December 27, 2017. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made publicly available without redaction.

Please feel free to contact Mr. Craffey if you have any questions regarding this inspection. Mr. Craffey can be reached at 630-829-9655.

Sincerely,

/RA/

Aaron T. McCraw, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-39015
License No. 21-35394-01

Enclosure:
Notice of Violation

cc w/encl: Ray Carlson, Consultant
State of Michigan

Letter to Dr. Hammam Zmily from Aaron T. McCraw dated February 8, 2018

SUBJECT: NRC INITIAL INSPECTION REPORT NO. 03039015/2017001(DNMS) AND
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DATE	2/7/2018		2/8/2018					

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NOTICE OF VIOLATION

Premier Cardiovascular Consultants
Troy, Michigan

License No. 21-35394-01
Docket No. 030-39015

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on December 15, 2017, with continued in-office review through January 25, 2018, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of the *Code of Federal Regulations* (CFR) 35.14(b)(1) requires, in part, that a licensee notify the Commission no later than 30 days after a Radiation Safety Officer (RSO) permanently discontinues performance of duties under the license.

Contrary to the above, as of December 15, 2017, the licensee failed to notify the Commission no later than 30 days after the RSO listed in Condition 11 of the initial issuance of NRC License No. 21-35394-01 permanently discontinued the performance of duties under the license. Specifically, the listed individual left the employment of the licensee's health physics consulting company and permanently discontinued serving as RSO approximately three months prior to an NRC inspection on December 15, 2017, and the licensee did not notify the Commission until January 9, 2018, when it submitted a license amendment request dated December 27, 2017 to name a new qualified RSO.

This is a Severity Level IV violation (Section 6.3).

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in the letter transmitting this Notice of Violation (Notice). However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, IR 03039015/2017001(DNMS)" and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region III, within 30 days of the date of the letter transmitting this Notice.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

If you choose to respond, your response will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated this 8th day of February 2018.

Enclosure