

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED Fairfield Equine Associates, P.C. 32 Barnabas Road Newtown, CT 06470		2. NRC/REGIONAL OFFICE Region 1 2100 Renaissance Blvd Suite 100 King of Prussia, PA 19406-2713	
REPORT NUMBER(S) 2022001			
3. DOCKET NUMBER(S) 030-35749	4. LICENSE NUMBER(S) 06-30647-01	5. DATE(S) OF INSPECTION 03/16/2022	

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 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)

10 CFR Part 71.5(a) requires, in part, that each licensee who transports licensed material outside the site of usage, as specified in the NRC license, shall comply with the applicable requirements of the Department of Transportation regulations in 49 CFR Parts 171 through 180, appropriate to the mode of transport.

49 CFR 172.702 requires, in part, that each hazmat employer shall ensure that each hazmat employee is trained and tested, and that no hazmat employee shall perform any function subject to the requirements of 49 CFR 171-180 unless trained in accordance with Subpart H of 49 CFR 172. The terms Hazmat Employer and Hazmat Employee are defined in 49 CFR 171.8. 49 CFR 172.704(c)(2) requires, in part, that a hazmat employee must receive the training required by this subpart within 90 days after employment or a change in job function, and at least once every three years.

Contrary to the above, as of March 16, 2022, the licensee permitted a hazmat employee to perform functions subject to the requirements of 49 CFR 171-180, and the employee was not trained as required.

Specifically, the veterinary staff that prepared packages for shipment of limited quantities of Tc-99m dosages to the radiopharmacy, and sealed sources back to the manufacturer for disposal, did not receive hazmat training within three years. The employee last received the training on April 24, 2017.

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

Corrective actions included a commitment to provide DOT/hazmat training to all staff members who ship radioactive materials within 30 days and every three years thereafter.

10 CFR Part 71.5(a) requires, in part, that each licensee who transports licensed material outside the site of usage, as specified in the NRC license, shall comply with the applicable requirements of the Department of Transportation regulations in 49 CFR Parts 171 through 180, appropriate to the mode of transport.

49 CFR 173.421(b) requires, in part, that Class 7 (radioactive) material with an activity per package which does not exceed the limited quantity package limits specified in Table 4 in § 173.425, and its packaging, are excepted from requirements in this subchapter for specification packaging, marking (except for the UN identification number marking requirement described in § 173.422(a)), labeling, and if not a hazardous substance or hazardous waste, shipping papers, and the requirements of this subpart if the radiation level at any point on the external surface of the package does not exceed 0.005 mSv/h (0.5 mrem/h).

Contrary to the above, as of March 16, 2022, the licensee permitted a hazmat employee to perform functions subject to the requirements of

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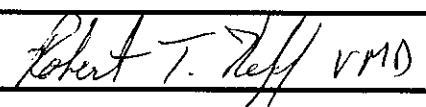
49 CFR 171-180, and the employee shipped packages as "limited quantity" without verifying that the radiation level at any point on the external surface of the package did not exceed 0.005 mSv/h (0.5 mrem/h). Specifically, the employee shipped used syringes, with an activity not exceeding the limited quantity amount, back to the pharmacy without performing a radiation survey of the exterior of the package to determine it did not exceed 0.5 mrem/hr.

This is a Severity Level IV violation (Enforcement Policy Section 6.3)

Corrective actions included revising the document for package return to include a spot for recording the radiation reading of the package exterior.

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	Robert Neff, V.M.D.		3/22/22
NRC INSPECTOR	Robin Elliott	Robin L. Elliott <small>Digitally signed by Robin L. Elliott Date: 2022.03.22 15:05:27 -04'00'</small>	
BRANCH CHIEF	Anne DeFrancisco		