



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352

May 16, 2024

EA-24-012

Felicia Maldonado
Director of Operations
Premier Cardiovascular Consultants
1629 W. Big Beaver Rd.
Troy, MI 48084

SUBJECT: NOTICE OF VIOLATION; NRC ROUTINE INSPECTION REPORT NO.
03039015/2024001 (DRSS) - PREMIER CARDIOVASCULAR CONSULTANTS

Dear Felicia Maldonado:

This letter refers to the U.S. Nuclear Regulatory Commission (NRC) inspection conducted on May 16, 2023, at your Troy, Michigan, facility with continued in-office review through February 15, 2024. 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. During the inspection, an apparent violation of NRC requirements was identified. The circumstances surrounding the apparent violation, the significance of the issue, and the need for lasting and effective corrective actions were discussed with you during a telephone exit meeting on February 15, 2024. Inspection Report No. 03039015/2024001 (DRSS) was issued on March 13, 2024, and can be found in the NRC's Agencywide Documents Access and Management System (ADAMS) at accession number ML24053A056. ADAMS is accessible from the NRC web site at <https://www.nrc.gov/reading-rm/adams.html>.

In the letter transmitting the inspection report, we provided you with the opportunity to address the apparent violation identified in the report by either attending a predecisional enforcement conference, by providing a written response, or requesting Alternative Dispute Resolution (ADR) mediation before we made our final enforcement decision. In a letter dated March 22, 2024 (ML24124A069), you provided a response to the apparent violation.

Based on the information developed during the inspection and the information that you provided in your response to the inspection report dated March 22, 2024, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the subject inspection report. The violation involved the failure to have a radiation safety officer as required by your NRC license. The root cause for this violation was that you relied on your consultant service provider to maintain oversight of your program, including RSO services, and that company was not fully aware of the requirements related to RSOs and the need to amend the license when a listed RSO leaves.

The failure to have a RSO is a significant regulatory and safety concern, as the RSO is responsible for implementing the radiation protection program and ensuring that radiation safety activities are being performed in accordance with licensee-approved procedures and regulatory

requirements. Therefore, this violation has been categorized in accordance with the NRC Enforcement Policy at Severity Level III.

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$9000 is considered for a Severity Level III violation.

Because your facility has not been the subject of escalated enforcement actions within the last two inspections, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy and determined that *Corrective Action* credit is warranted based on the prompt and comprehensive corrective actions you implemented. Corrective actions included the following: (1) submitted a license amendment in July 2023 to name a new RSO; (2) created a policy to notify the NRC immediately after becoming aware of a change in the employment status of the current RSO and to name a temporary alternative RSO until the license can be properly amended; (3) created a policy that whenever possible, the RSO will be physically present on-site for any future NRC inspections; and (4) annual training will be conducted on the new policy "Delegation of Authority Radiation Safety Officer (RSO) Protocol."

Therefore, to encourage prompt and comprehensive correction of violations, and in recognition of the absence of previous escalated enforcement action, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty. In addition, issuance of this Severity Level III violation constitutes escalated enforcement action that may subject you to increased inspection effort. The NRC also includes significant enforcement actions on its Web site at (<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>).

The NRC has concluded that information regarding: (1) the reason for the violation; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in Inspection Report No. 03039015/2024001 (DRSS) and your letter dated March 22, 2024. Therefore, you are not required to respond to this letter unless the description therein 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 "Agency Rules of Practice and Procedure," a copy of this letter, its enclosure, and your response, if any, will be made available electronically for public inspection in the NRC Public Document Room and in the NRC's ADAMS, accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy or proprietary information so that it can be made available to the Public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such information, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

F. Maldonado

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If you have any questions concerning this matter, please contact Diana Betancourt-Roldan of my staff at (630) 810-4373.

Sincerely,



Shuaibi, Mohammed signing on behalf
of Giessner, Jack
on 05/16/24

John B. Giessner
Regional Administrator

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

Enclosure: Notice of Violation

cc w/encl: State of Michigan

Letter to F. Maldonado from J. Giessner dated May 16, 2024.

SUBJECT: NOTICE OF VIOLATION; NRC ROUTINE INSPECTION REPORT NO.
03039015/2024001 (DRSS) - PREMIER CARDIOVASCULAR CONSULTANTS

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NOTICE OF VIOLATION

Premier Cardiovascular Consultants
Troy, Michigan

Docket No. 030-39015
License No. 21-35394-01
EA-24-012

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on May 16, 2023, with continued in-office review through February 15, 2024, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Condition No. 11 of Amendment No. 2 of NRC License 21-35394-01, dated August 14, 2020, identified a named individual as the Radiation Safety Officer (RSO) for this license.

Contrary to the above, from November 2022 to October 20, 2023, the licensee failed to have the individual named on the license as the RSO. Specifically, the RSO listed on the license stopped being the RSO in November 2022, and the license was not amended to name a new RSO until October 20, 2023.

This is a Severity Level III violation (Enforcement Policy Section 6.3.c.11).

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 Inspection Report No. 03039015/2024001 (DRSS) and your letter dated March 22, 2024. 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, EA-24-012" 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, 2443 Warrenville Road, Suite 210, Lisle, IL 60532-4352 within 30 days of the date of the letter transmitting this Notice of Violation (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, United States 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 Public Document Room or in the NRC's ADAMS, accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy or proprietary 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 16th day of May 2024.

Enclosure