



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

July 5, 2005

Docket No. 03034385

License No. 29-30378-01

Michael Palescandolo, D.V.M.
President
Metropolitan Animal Emergency Group, P.A.
d.b.a. Animal Emergency and Referral Center
647 Bloomfield Avenue
West Caldwell, NJ 07006

SUBJECT: INSPECTION 03034385/2005001, METROPOLITAN ANIMAL EMERGENCY GROUP, P.A., D.B.A. ANIMAL EMERGENCY AND REFERRAL CENTER, WEST CALDWELL, NEW JERSEY AND NOTICE OF VIOLATION

Dear Dr. Palescandolo:

On May 10, 2005, Steven Courtemanche of this office conducted a safety inspection at the above address of activities authorized by your NRC license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selected examination of representative records. The findings of the inspection were discussed with Justin Goggin, D.V.M., of your organization at the conclusion of the inspection.

Based on the results of this inspection, it appears that your activities were not conducted in full compliance with NRC requirements. A Notice of Violation is enclosed that categorizes the violation by severity level. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

Current NRC regulations and the General Policy and Procedure for NRC Enforcement Actions are available at the NRC web site at <http://www.nrc.gov/materials/miau/mat-toolkits.html> and <http://www.nrc.gov/what-we-do/regulatory/enforcement> or by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays).

M. Palescandolo
Metropolitan Animal Emergency Group, P.A.

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Your cooperation with us is appreciated.

Sincerely,

Original signed by James P. Dwyer

James P. Dwyer, Chief
Commercial and R&D Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
John C. Ramsey, Radiation Safety Officer
Justin Goggin, D.V.M., Veterinarian
State of New Jersey

M. Palescandolo
Metropolitan Animal Emergency Group, P.A.

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OFFICE	DNMS/RI	N	DNMS/RI		DNMS/RI			
NAME	SCourtemanche/src	JDwyer						
DATE	07/05/2005	7/5/05						

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Metropolitan Animal Emergency Group, P.A.
West Caldwell, NJ

Docket No. 03034385
License No. 29-30378-01

During an NRC inspection conducted on May 10, 2005, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 19.12(a)(2) requires, in part, that all individuals who in the course of employment are likely to receive in a year an occupational dose of 100 millirem be instructed in the purposes and functions of protective devices employed.

Contrary to the above, as of May 10, 2005, the licensee did not instruct all individuals who in the course of employment were likely to receive in a year an occupational dose of 100 millirem in the purposes and functions of protective devices employed. Specifically, the licensee informed the inspector that the training was provided in the use of the radiation detection instrument, a side-window GM survey meter, but the training did not include instruction on keeping the window of the instrument open. Use of the instrument with the window closed on April 25, 2005, resulted in inadequate surveys for iodine-131 contamination as the inspector identified a contaminated lead apron on May 10, 2005, which was measured to have radiation dose rate levels of 0.8 millirem per hour at one foot from its surface. The radiation dose rate level was calculated to be 3.2 millirem per hour at one foot from the surface of the apron on April 25, 2005.

This is a Severity Level IV violation (Supplement IV).

Pursuant to the provisions of 10 CFR 2.201, Metropolitan Animal Emergency Group, P.A. is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site.

Current NRC regulations and the General Policy and Procedure for NRC Enforcement Actions are available at the NRC web site at <http://www.nrc.gov/materials/miau/mat-toolkits.html> and <http://www.nrc.gov/what-we-do/regulatory/enforcement>. Or by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays). To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

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

Dated This 5th day of July 2005