



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

June 1, 2011

Docket No. 99990001
03038337

License No. 99-99999-99
06-31417-01

Christopher Delaney
J. Burke Capital Partners
600 Madison Avenue, 16th floor
New York, NY 10022

**SUBJECT: NRC INSPECTION REPORT NO. 99990001/2010001, HEALTH CENTER
IMAGING, TRUMBULL, CONNECTICUT AND NOTICE OF VIOLATION**

Dear Mr. Delaney:

On January 13-15 and 27, 2010; February 22, 2010; April 1, 2010; and May 31, 2011, Farrah Gaskins and Betsy Ullrich of this office conducted a safety inspection at Heath Center Imaging, 999 Silver Lane, Trumbull, Connecticut, of activities authorized initially by the State of Connecticut and then by NRC following implementation of the Energy Policy Act of 2005. In recognition of this jurisdictional change, License No. 06-31417-01 was issued by NRC on November 3, 2010. The inspection was scheduled to follow up on a report of waste from the Health Center Imaging facility triggering a radiation alarm at a waste incinerator in Connecticut. The preliminary findings of the inspection were discussed with Ms. Crystal Mc Carthy on April 1, 2010. The final results of the inspection were discussed with you at the conclusion of the inspection on May 31, 2011. The enclosed report presents the results of this inspection.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that 1 Severity Level IV violation of NRC requirements occurred. The violation involved the failure to survey potentially contaminated waste in accordance with 10 CFR 20.1501 before the waste left your control. As a result, contaminated waste left your facility and, if not for the radiation detectors present at the incinerator facility, the waste would have been disposed of via a method not authorized by 10 CFR 20.2001. The violation is cited in the enclosed Notice of Violation (Notice) because the violation was identified by the NRC.

During our preliminary exit meeting on April 1, 2010, Ms. McCarthy indicated that cleaning staff no longer enter the room where radioactive materials are used and the normal waste trash can is surveyed for radioactive contamination before it is placed outside of the room. The NRC had intended to perform a follow up inspection to evaluate the effectiveness of these corrective and preventive actions; however, you ceased licensed activities and requested license termination. Your license will be terminated today. Therefore, you are not required to respond to this letter unless the description of your corrective actions in this letter 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 enclosures, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC

C. Delaney

document system (ADAMS), accessible from the NRC 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 available to the Public without redaction.

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Med, Ind, & Academic Users**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 7:00 a.m. to 6:30 p.m. EST, Monday through Friday (except Federal holidays).

Please contact Ms. Farrah Gaskins at 610-337-5143 if you have any questions regarding this matter.

Sincerely,

Original signed by James P. Dwyer

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

Enclosures:

1. Inspection Report No. 99990001/2010001
2. Notice of Violation

cc:
State of Connecticut

C. Delaney

document system (ADAMS), accessible from the NRC 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 available to the Public without redaction.

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Med, Ind, & Academic Users**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 7:00 a.m. to 6:30 p.m. EST, Monday through Friday (except Federal holidays).

Please contact Ms. Farrah Gaskins at 610-337-5143 if you have any questions regarding this matter.

Sincerely,

Original signed by James P. Dwyer

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

Enclosures:

1. Inspection Report No. 99990001/2010001
2. Notice of Violation

cc:

State of Connecticut

Distribution:

D. J. Holody, RI

DOCUMENT NAME: G:\WordDocs\Current\Insp Letter\L99-99999-99.2010001.doc

SUNSI Review Complete: JDwyer

After declaring this document "An Official Agency Record" it will be released to the Public.

To receive a copy of this document, indicate in the box: "C" = Copy w/o attach/encl "E" = Copy w/ attach/encl "N" = No copy

OFFICE	DNMS/RI	N	DNMS/RI		DNMS/RI		
NAME	FGaskins JPD For		EUllrich JPD For		JDwyer JPD		
DATE	6/1/2011		6/1/2011		6/1/2011		

ML111520399

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Health Center Imaging
Trumbull, CT

Docket No. 99990001/03038337
License No. 99-99999-99/06-31417-01

During an NRC inspection conducted on January 13-15 and 27, 2010; February 22, 2010; April 1, 2010; and May 31, 2011; one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 20.1501 requires that each licensee make or cause to be made surveys that may be necessary for the licensee to comply with the regulations in Part 20 and that are reasonable under the circumstances to evaluate the extent of radiation levels, concentrations or quantities of radioactive materials, and the potential radiological hazards that could be present.

The definition of *survey* in 10 CFR 20.1003 means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of radioactive material or other sources of radiation.

Contrary to the above, the licensee did not make surveys to assure compliance with 10 CFR 2001(a), which describes the authorized means for disposing of licensed materials. Specifically, on December 21, 2009, the licensee did not perform a survey before disposing of dry waste contaminated with approximately 300 microcuries of strontium-82/rubidium-82.

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

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 will be achieved is already adequately addressed on the docket. 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," and send it 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).

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. 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.

Notice of Violation
Health Center Imaging

2

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

Dated This 1st day of June 2011