



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

August 26, 2011

EA-11-179

Saad Mossallati, M.D.
Owner/Medical Director
Associated Specialists, Inc.
200 Rt. 98 West, Suite 107 Medwood Plaza
Nutter Fort, WV 26301

SUBJECT: ASSOCIATED SPECIALISTS, INC. - NRC INSPECTION REPORT NO.
03037941/2011001

Dear Dr. Mossallati:

This letter refers to the inspection conducted on April 19, 2011 at the Associated Specialists, Inc. (ASI) facility in Bridgeport, West Virginia. Additional information, contained in correspondence from ASI on May 2, 10, 30, and 31, 2011 and June 13 and 28, 2011, was also reviewed as part of this inspection. This inspection examined activities conducted under your license as they relate to safety and compliance with the Nuclear Regulatory Commission's rules and regulations and with the conditions in your license, associated with the use of licensed materials within ASI's nuclear medicine department and mobile nuclear medicine operations. The inspection consisted of a review of procedures and records, observations of activities, and interviews with ASI personnel. A telephonic exit meeting to discuss the results of the inspection was conducted with you on August 16, 2011, and described in the enclosed report.

Based on the results of this inspection, nine apparent violations were identified, two of which are being considered for escalated enforcement action in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

The first apparent violation being considered for escalated enforcement action involves ASI operating with a temporary Radiation Safety Officer (RSO) for greater than 60 days, which was not in accordance with 10 CFR 35.24(c). The NRC became aware that ASI was operating with a temporary RSO for greater than 60 days on October 12, 2010, and subsequently issued ASI a Confirmatory Action Letter (CAL No. 1-10-001) on October 14, 2010, to document actions ASI committed to take in response to this issue. ASI submitted correspondence to the NRC dated October 15 and 21, 2010 regarding the actions it had taken to address each commitment documented in the CAL, including submission of a license amendment request to have a new RSO authorized on the ASI license. By letter dated October 26, 2010, the NRC informed you that it had issued an amendment to your license authorizing the new permanent RSO, and that the NRC was closing the CAL, based on a review of the actions taken by ASI.

The second apparent violation being considered for escalated enforcement action involves ASI failing to ensure that its authorized user (AU) provided adequate supervision to licensee staff

who are involved in the receipt, possession, use, transfer or preparation of byproduct material, as required by 10 CFR 35.27. ASI personnel under the supervision of the AU had not spoken to the AU and had not received instructions associated with ASI's written radiation protection procedures, NRC regulations, ASI's license conditions, and the requirement that supervised individuals follow the instructions of the supervising AU for medical uses of byproduct material.

The circumstances surrounding these apparent violations, the significance of the issues, and the need for lasting and effective corrective action were discussed with members of your staff during the inspection exit meeting. Since your facility has not been the subject of escalated enforcement actions within the last two years or the last two inspections, and based on our understanding of your corrective actions, a civil penalty may not be warranted in this case, in accordance with Section 2.3.4 of the Enforcement Policy. As a result, it is not necessary to conduct a pre-decisional enforcement conference (PEC) or receive a written response from you for the NRC to reach a final enforcement decision. However, before the NRC makes its enforcement decision, we are providing you an opportunity to (1) respond to the apparent violations addressed in this inspection report within 30 days of the date of this letter, or (2) request a PEC.

If you choose to request a PEC, the conference will afford you the opportunity to provide your perspective on the apparent violations and any other information that you believe the NRC should take into consideration before making an enforcement decision. The topics discussed during the conference may include the following: information to determine whether a violation occurred, information to determine the significance of a violation, information related to the identification of a violation, and information related to any corrective actions taken or planned to be taken. In presenting your corrective actions, you should be aware that the promptness and comprehensiveness of your actions will be considered in assessing any civil penalty for the apparent violations. If a PEC is held, it will be open for public observation and the NRC will issue a press release to announce the time and date of the conference. A PEC should be held within 30 days of the date of this letter.

If you choose to provide a written response, it should be clearly marked as a "Response to Apparent Violations in Inspection Report No. 03037941/2011001; EA-11-179" and should include for each apparent violation: (1) the reason for the apparent violation, or, if contested, the basis for disputing the apparent 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 previously docketed correspondence, if the correspondence adequately addresses the required response. If an adequate response is not received within the time specified, or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision.

In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

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 Public Document Room or from the NRC's Agencywide Documents Access and Management System (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, proprietary, or safeguards information so that it can be made available to the public without redaction.

Please contact Mr. Marc Ferdas of my staff at 610-337-5022, within 10 days of the date of this letter, to provide your decision on the matter, or if you have any questions.

Sincerely,

/RA D. S. Collins for/

Raymond K. Lorson, Director
Division of Nuclear Materials Safety

Docket No.: 03037941
License No.: 47-31344-02

Enclosure: Inspection Report No. 03037941/2011001

S. Mossallati

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