

Enclosure 6 - INSPECTION RECORD  
Region III

Inspection Report No. 2012-001

License No. 21-32673-01

Docket No. 030-37551

Licensee (Name and Address):

Synergy Mobile Imaging, LLC  
29488 Woodward Avenue  
Suite 284  
Royal Oak, MI 48073

Location (Authorized Site) Being Inspected: 34230 Riviera Drive, Fraser, Michigan 48028  
(location of coach)

Licensee Contact: Maria Rabara, CNMT, owner Telephone No.: 248-219-4607

Priority: 3 Program Code: 02220

Date of Last Inspection: 9/23/2008

Date of This Inspection: 6/25/2012, with continued in-office review through 7/25/2012 to review and discuss the licensee's termination request with MLB

Type of Inspection: ( ) Initial ( ) Announced (X) Unannounced  
( ) Increased Controls (X) Routine ( ) Special

Next Inspection Date: N/A – license terminated 7/13/2012 ( ) Normal ( ) Reduced

Justification for reducing the routine inspection interval:

Summary of Findings and Actions:

- ( ) No violations cited, clear U.S. Nuclear Regulatory Commission (NRC) Form 591 or regional letter issued
- ( ) Non-cited violations (NCVs)
- ( ) Violation(s), Form 591 issued
- (X) **Violation(s), regional letter issued**
- ( ) Follow up on previous violations

Inspector(s):

Deborah A. Piskura  
Deborah A. Piskura, Health Physicist

Date

8/7/2012

Approved:

Kenneth Lambert for  
Tamara E. Bloomer, Chief, MIB

Date

8/7/12

## **PART I-LICENSE, INSPECTION, INCIDENT/EVENT, AND ENFORCEMENT HISTORY**

### **1. AMENDMENTS AND PROGRAM CHANGES:**

<u>AMENDMENT #</u>	<u>DATE</u>	<u>SUBJECT</u>
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No licensing actions have been issued since the previous inspection.

### **2. INSPECTION AND ENFORCEMENT HISTORY:**

No violations of NRC regulatory requirements were cited during previous initial inspection conducted on September 23, 2008.

### **3. INCIDENT/EVENT HISTORY:**

None.

## **PART II - INSPECTION DOCUMENTATION**

### **1. ORGANIZATION AND SCOPE OF PROGRAM:**

This licensee was a privately owned scan-in-van mobile imaging company authorized to use byproduct material in Title 10 of the Code of Federal Regulations (CFR) Section 35.200 for cardiac imaging. The licensee last used licensed material on December 20, 2011. The nuclear imaging studies were performed by the company's owners who were also nuclear medicine technologists; the company performed approximately 20 diagnostic nuclear medicine procedures per month. The licensee received unit doses only. In 2010, the licensee's business volume decreased due to reimbursement policy changes and economic factors.

In September and October 2011 and on January 24, 2012, MIB staff attempted to inspect this licensee. An attempted inspection in September 2011 revealed that the authorized storage location listed on the NRC license was a UPS Store. The UPS Store representative clarified that the address listed in Item 2 of the license may be incorrect because the "Suite Number" should actually reference a "Post Office Box Number." The representative confirmed that the owner rented a P.O. Box for her business. The imaging vehicle/ mobile coach could not be located at the authorized location. The inspector placed several calls to the owner's personal cellular telephone and left voice mail messages without any returned calls. On February 3, 2012, the owner responded to the inspector's February 2, 2012, email indicating that her business would be closing. On February 3, 2012, the inspector attempted to provide information on license termination however the licensee did not respond.

On February 6, 2012, the inspector discussed this matter with the consulting physicist who also served as the Radiation Safety Officer (RSO). The consultant/RSO indicated that he could not contact the owner and his services had been unpaid for over a year.

The consultant/RSO did not disclose the location of the mobile coach but indicated that the following calibration/reference sources were stored within: (1) one Cs-137 vial source, 203  $\mu\text{Ci}$  (9/1/2010); (2) one Cs-137 rod source, 0.5  $\mu\text{Ci}$  (6/1/2002); and (3) one Ba-133 vial source, 279  $\mu\text{Ci}$  (11/27/1985). The inspector informed the RSO/consultant that the licensee was in violation of License Condition 10, since they were storing their mobile coach at a location other than the Woodward Avenue address.

Between February and April 2012, the inspector made numerous attempts to contact the owner via email and telephone to provide information on the license termination process. Responses to these contacts were typically delayed by several days or weeks. In letter dated February 22, 2012, NRC requested a response informing our office of the licensee's intent to terminate the license, to remind the licensee of requirements in 10 CFR 19.14 (provide the NRC the opportunity to inspect) and to secure its materials in accordance with the terms and conditions of its license (since the NRC could not locate the owner or the mobile coach containing licensed material at the Woodward Avenue address). Although the owner replied to this letter via email on February 28, 2012, further attempts to contact the owner went unanswered until May 4, 2012. On May 4, 2012, the owner telephoned the inspector to obtain information on the license termination process, which the inspector provided by email.

On May 22, 2012, the licensee submitted a NRC Form 314 (dated May 1, 2012), to the Materials Licensing Branch (MLB). A review of the NRC-314 identified inconsistencies and deficiencies. At the request of MLB, the licensee re-submitted a Form 314 (dated June 19, 2012).

This inspection was conducted in coordination with MLB to confirm the close-out survey and witness the transfer of the licensee's calibration/reference sources to an authorized recipient. The inspection consisted of interviews with licensee personnel, a review of selected records, a tour of the former nuclear medicine department, and independent measurements. The inspection included a review of the routine aspects of the licensee's radiation safety program. The licensee stored its mobile coach containing reference/calibration sources (permitted under Section 35.65) at an unauthorized location since approximately 2011. This location was within a fenced lot behind a building which the co-owner's spouse conducted business. The licensee stored its coach at this location for access to a power source to maintain adequate temperature for the imaging camera. The licensee stated that the mobile coach was also parked inside the warehouse area of this business during cold months. Prior to 2011, the coach was parked at a client's location and would relocate to the next client's business according to the work schedule. According to the owners, the coach was never parked at the Woodward Avenue location listed on the license (this location served as a mailing address only). The owners failed to understand the limitations of Condition 10 of the License, which confined the storage of mobile coach to 29488 Woodward Avenue, Royal Oak, Michigan (while not conducting imaging studies at client's facilities). On June 25, 2012, the licensee transferred its calibration/reference sources to an authorized recipient for disposal and filed a license termination request. On July 13, 2012, MLB issued Amendment No. 02, terminating the NRC license.

2. SCOPE OF INSPECTION:

Inspection Procedure(s) Used: 87130

Focus Areas Evaluated: 03.01 - 03.07

3. INDEPENDENT AND CONFIRMATORY MEASUREMENTS:

Survey Instrument Used: Canberra UltraRadiac, NRC Tag No. 33578G  
Calibration Date: 12/28/2011

The inspector performed direct radiation measurements in and around the licensee's former nuclear medicine hot lab, storage, and imaging area. All radiation levels were indistinguishable from background. All survey measurements were comparable to the consulting physicist's close out survey results.

4. VIOLATIONS, NCVs, AND OTHER SAFETY ISSUES:

The inspector discussed the status of the license termination amendment with Toye Simmons, MLB. One violation of NRC requirements was identified during this inspection.

Title 10 CFR 30.34(c) requires, in part, that each licensee confine his possession and use of byproduct material to the locations and purposes authorized by the license.

Condition 10 of License Number 21-32673-01 states, in part, that licensed material may be used or stored at the licensee's mobile trailer located at 29488 Woodward Avenue, Royal Oak, Michigan.

Contrary to the above, from approximately 2011 through June 25, 2012, the licensee did not confine its possession of byproduct material to the location authorized by the license. Specifically, the licensee stored calibration and reference sources permitted by Section 35.63 containing byproduct material within the licensee's mobile trailer located at 34230 Riviera Drive, Fraser, Michigan, a location not authorized by the license.

5. PERSONNEL CONTACTED:

\*#Maria Rabara, CNMT, owner  
#Ray Carlson, M.S., Consulting Physicist  
\*#Terry A. Sewald, CNMT, co-owner  
+Vincent A. McCormick, M.S., Consulting Physicist, RSO

Use the following identification symbols:

# Individual(s) present at entrance meeting  
\* Individual(s) present at exit meeting  
+ Individual contacted by telephone