

First State Diagnostics Center Revoked License and Termination

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Region I**

First State Diagnostic Center

- **Delaware Cardiologist (single AU/RSO)**
 - One NMT and a Practice Manager
 - Two offices: Wilmington and New Castle



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- Story starts with September 2016 Inspection
 - Clinical use of license material stopped in July 2016.
 - NMT was terminated in July 2016.
 - AU said he was spending significant time in Nigeria building hospitals and educating people on how to fight heart disease.



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- At September 2016 inspection I informed Dr. Adeleke concerning:
 - His responsibility for source security
 - Sealed sources, waste, used doses
 - 10 CFR 30.36 – 24 months no principal activities, notification requirement, begin decommissioning
 - Recommended Possession-only Standby status so he could resume activity in US in the future
 - Key to story's success, consulting physicist



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- **September 5, 2017, Order was issued for failure to pay annual fees:**
 - License revoked for failure to pay 2017 annual fee of \$13,200. Invoiced Nov 3, 2016, second notice Dec 7, 2016, gave licensee 20 days to pay or the license would be revoked and they would not be allowed to operate under their license number in the future.
 - After revocation, the license remains in effect as per 10 CFR 30.36 with respect to possession, transfer, storage, etc. until license is terminated.
 - Restrict activity of licensed material to decommissioning and safe secure storage or transfer.



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Order continued:

- Continue to: control restricted areas until released by NRC; conduct inventories and testing for contamination and/or leak testing; and comply with the requirements of 10 CFR 30.36.
- Within 5 days of revocation submit a written report:
 - listing materials still in possession, and
 - a description of the storage condition and steps taken to control access to material.

Sealed Source Leak Test / Inventory

Date: 2/2/11 Facility: First State - New Castle

Next Leak Test Due: 8/2011

Performed By: Tim Englebert

BSO Review:

I. Source Data:

Source	Manufacturer	Model No.	Serial Number	AUIDR	Cal Date	Yrmt (yrs)	Bkg (cpm)	Net (cpm)	Comments
0.5 Ci 60Co	GE	N/A	1461-203	5.447m	3/1/11	727	704	23	LO.005 uR/h
0.5 Ci 60Co	GE	N/A	28787	207.7m	10/1/09	711	704	7	LO.005 uR/h
0.5 Ci 60Co	GE	N/A	1492-035	10m	3/1/11				LO.005 uR/h

Leak Test performed shall be a dry wipe of the entire accessible source surface area.

II. Well Counter Efficiency Verification:

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Order continued:

- Within 60 days of revocation dispose of all licensed material or transfer to another authorized recipient.
- Within 5 days after the transfer or disposal, notify the NRC in writing of the disposition of the material, providing details as to how, where, and when disposition took place.
- The license will be terminated upon satisfaction of 10 CFR 30.36.



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Order continued:

- The licensee may not resume previously licensed activities after the license is revoked until: 1) they have applied for and been issued a new license under Part 30; 2) all debts to the NRC, including the new license fee have been paid in full.
- Address for providing notifications and submissions was provided. (Regional Office)
- The CFO may relax or rescind in writing any of the conditions upon the licensee showing good cause.

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April 2018:

- DNMS received allegation of abandoned material at licensee's New Castle location.
- Inspection performed to respond to allegation.



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April 2018 inspection of Licensee locations:

- Material restricted to locked location.
- Wilmington location secured but not accessible.
- Within the 24 month period for notification under 10 CFR 30.36 since last use July 2016.
- AU was not responsive to phone calls or emails.



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Investigative work begins:

- Previous NMT contacted via business card from last inspection verifies Dr. Adeleke is working in Africa.
- Followed up on leads provided by NMT – all say “good luck reaching him.”
- Consulting Physicist contacted and provided another email address which resulted in a response from Dr. Adeleke.
- Dr. Adeleke responded May 24, 2018, that he was in the office seeing patients so I met him immediately.
- Dr. Adeleke stated that he never received the Order.



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May 24, 2018 Inspection (Wilmington Location)

- Verified security of sources.
- Provided Dr. Adeleke with a copy of the Order and reviewed the requirements with him.
- Learned that he had established several hospitals in Nigeria and was still working there (9 months there, 3 months here) He wanted to: maintain his NRC authorization as he was working in Nigeria under “a reciprocity arrangement” and to return to his work here in a few years.
- Suggested he authorize his consultant, Jim Fongheiser, to make license commitments on his behalf.
- Dr. Adeleke started the process to pay his outstanding fees using the Small Entity Status.

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Actions taken to terminate license:

- Consultant moved all licensed material from New Castle to Wilmington, and
- Submitted close out survey on July 9, 2018 so that landlord could clear space.



Door of cabinet sealed with tape to prevent inadvertent entry.

Rad labels, include "No Unauthorized Entry" and my phone number.



Flood sources on the bottom, shielded'
Vial sources above, with lead bricks on top.
Rod sources in front of the vials.

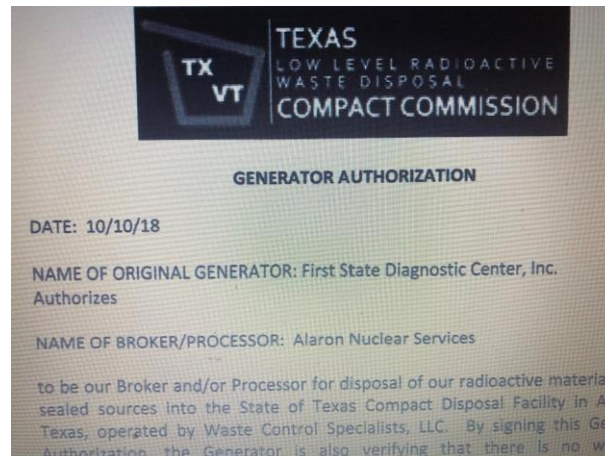


Survey meters with check sources placed in front of the cabinet.

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Actions taken to terminate license:

- Consultant conducted closeout survey for the Wilmington location on July 16, 2018, and arranged for ultimate disposal of all stored licensed material on October 10, 2018.
- Termination request was submitted October 23, 2018.



TX VT TEXAS
LOW LEVEL RADIOACTIVE
WASTE DISPOSAL
COMPACT COMMISSION

GENERATOR AUTHORIZATION

DATE: 10/10/18

NAME OF ORIGINAL GENERATOR: First State Diagnostic Center, Inc.
Authorizes

NAME OF BROKER/PROCESSOR: Alaron Nuclear Services

to be our Broker and/or Processor for disposal of our radioactive material sealed sources into the State of Texas Compact Disposal Facility in Texas, operated by Waste Control Specialists, LLC. By signing this Generator Authorization, the Generator is also verifying that there is no way

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Enforcement Action - Licensee violated terms of Order – subject to 10 CFR Part 2.202(b):

- No report regarding status of material,
- No disposition of material within 60 days,
- No answer to the order, and
- Fees were not paid within 20 days.
- Categorized as Severity Level III, potential Civil Penalty of \$7,000 as per Enforcement Policy.

VIOLATION

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Enforcement Discretion Granted because.....

- Primarily working outside the country from 2016 forward and did not receive the Order.
- Licensed material was properly controlled and secured.
- Once aware of the Order, hired consultant to respond to the requirements under the Order: to prepare sources for disposal and hired waste contractor to dispose of sources.
- Delinquent fees were paid for 2016 and 2017.
- Request for Termination was submitted October 23, 2018.



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The “rest of the story”

- The landlord needed assistance to rid his property of the camera and other equipment that was abandoned.
- The consultant did the work without compensation because he wanted “to do the right thing.”
- As of January 2019, the waste contractor was still waiting to be paid, wanted to return sources....
- Dr. Adeleke continues to work in Nigeria expanding healthcare access in the country.....until he returns.



Thank you!



Questions?