

[Redacted]

March 12th, 2003

U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

ATTN: Document Control Desk

RE: Reply to Notice of Violation-IA 02-046

Dear Sirs:

I hereby reply to the captioned Notice of Violation cited above. I will address each section individually.

Section A: I have stated in previous documents and testimony that I did indeed visit the Ocean Cardiology site once a month. However, I did not adequately document these visits and also did not properly observe operations during a number of these visits, as I have previously admitted. I therefore accept the assertion of the NRC that I engaged in deliberate misconduct, since I am well aware that if activities are not properly documented, they did not occur. I should also have been aware of the requirement that EVERY site of operation be visited at least once a month. In addition, as RSO I should have been aware that there was no other authorized user on the license and therefore that I was the only qualified person to be an authorized user at the time the violations occurred. I can offer no excuse for these errors. Though there were extenuating circumstances (as noted in earlier documents, I was engaged in changing jobs during this period, which entailed relearning hospital-based Radiology; also, during this period, [Redacted] adding additional burdens on the home front), my failure to review the license periodically to be sure that all was in order was at the root of the problem.

Fortunately, though my oversight as both RSO and authorized user was clearly well below the standards set by the NRC, the limited instruction and oversight of the technologists and others involved in the cardiac studies performed by Medical Outreach during this period proved adequate, in the sense that no other significant violations were found during an extremely thorough review of operations.

As this is written, the situation with Medical Outreach has been fully corrected, with a fully qualified Nuclear Medicine physician now acting as both ATJ and RSO, and visiting each serviced site at least once a month. This should prevent further violations. It is my understanding that full compliance was achieved on or about March 7th, 2002. The physician, Dr. Kenneth Levin, has been fully instructed regarding the requirements of this position, and to my knowledge has correctly fulfilled these requirements. For my own part, I pledge to the NRC that never again will I attempt to act as an unpaid volunteer RSO as I did for Medical Outreach, since these events have brought home to me the gravity of the responsibilities of the RSO as well

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as the necessity of adequate time (and material support) for pursuing these activities.

Section B. I have already stipulated that the records of my visits to the Ocean Cardiology facility were inaccurate. Had I known that I was still the authorized user, this would not have occurred. Nonetheless, my failure to maintain these records properly is inexcusable.

Unfortunately, I have no way of further reconstructing these records to make them acceptably accurate. I therefore accept the NRC finding that the required visits did not occur. If further revision of the documents is required, to bring them into compliance, please let me know.

The current procedures in use by Medical Outreach, as explained to me by Mr. Levin in a recent conversation, should provide for more than adequate documentation of Dr. Levin's activities as RSO and AU.

In terms of my future activities, I have made the Nuclear Medicine staff at the Easton Hospital, where I now serve as an authorized user, aware of my mistakes while I was RSO for Medical Outreach, not as an act of penitance (though some might think this is appropriate) but to educate them regarding how I permitted this situation to go astray, and the consequences of my errors. I have done this to underscore that partial knowledge of the regulations and license requirements is not enough, and that even an experienced and supposedly knowledgeable Nuclear Medicine physician such as myself can err seriously by not periodically reviewing the situation, especially when the situation is an unusual one (e.g. mobile operations, in which I had never engaged prior to my tenure with Medical Outreach). I do not intend to participate in another mobile Nuclear Medicine venture, and, if I do, in any capacity, will insist on careful and diligent oversight by a fully qualified health physicist acting as RSO--in my experience, the best arrangement to assure that any state or NRC licensed operation will stay within the letter and the spirit of the regulations. We have such an arrangement at Easton Hospital, and I intend to see that this is maintained.

If I can be of further assistance, please do not hesitate to contact me, either at the above (home) address or at the Easton Hospital, 250 S. 21st Street, Easton, PA 18042.

Sincerely,



Stuart A. Jones, MD

cc: Mr. Hubert Miller, Regional Administrator,
Division I