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January 17, 2005

Licensing Section Nuclear Medicine Safety Branch
Division of Radiation Safety and Safeguards
United States Nuclear Regulatory Commission
Region I
475 Allendale Road
King of Prussia, Pennsylvania 19406-1415

070-30057

Re: Bergen Diagnostic Management Nuclear, LLC
License No. 29-28049-01
License Expiration Date: 04-30-13
Our Client: John S. Pantazopoulos, M.D., P.A.
Our File No. P160-8

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REGION I

Dear Sir/Madam:

Please be advised that our office represents John S. Pantazopoulos, M.D., P.A. which is a member of Bergen Diagnostic Management Nuclear, LLC, the license holder of the above referenced license. John S. Pantazopoulos, M.D. is the sole shareholder of John S. Pantazopoulos, M.D., P.A.

There had been ongoing litigation in the Superior Court of New Jersey between the members of Bergen Diagnostic Management Nuclear, LLC concerning various issues, claims, rights and obligations which was recently dismissed without prejudice by Court Order dated October 29, 2004. Dr. Pantazopoulos has not been involved in the day to day operations of Bergen Diagnostic Management Nuclear, LLC since January 2003 and same have been conducted and operated by Garden State Cardiology, the other member of Bergen Diagnostic Management Nuclear, LLC. Dr. Pantazopoulos had hoped to have his concerns and issues regarding the operation of Bergen Diagnostic Management Nuclear, LLC addressed by the Superior Court of New Jersey within the context of the herein referenced litigation but in light of the October 29, 2004 dismissal without prejudice feels compelled to bring this concern to your attention. Kindly note that it is my understanding Dr. Pantazopoulos has also been physically locked out of the premises of Bergen Diagnostic Management Nuclear, LLC (by virtue of a change of locks).

Dr. Pantazopoulos has expressed to me a concern in regard to his lack of information and knowledge concerning the current status of the evaluations and assessments of Bergen

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Diagnostic Management Nuclear, LLC in regard to any of his obligations in connection with holding and maintaining the above referenced license. It is my understanding that Dr. Pantazopoulos has been attempting to obtain updated information through Michael W. Lairmore, the Medical Physics Consultant to Bergen Diagnostic Management Nuclear, LLC but Mr. Lairmore declined to provide Dr. Pantazopoulos with any information. In fact, the most recent information and documentation concerning the status of operation and maintenance of the above referenced license is the "Consultant's Report -Nuclear Medicine" of Michael W. Lairmore Associates, Medical Physics Consultation resulting from the April 7, 2004 visit. That document was provided to our office as part of discovery in the herein referenced litigation. That April 7, 2004 "Consultant's Report-Nuclear Medicine" indicates that quarterly reviews of the radiation safety program are conducted; however no current quarterly review report has been provided to either our office or Dr. Pantazopoulos.

Dr. Pantazopoulos' concerns are also heightened by the fact that he has received a notice from the United States Nuclear Regulatory Commission dated November 10, 2004 advising that the annual invoice for the above referenced license in the amount of \$4,500.00 (which was issued on July 12, 2004) remains due and owing with interest charges and penalties. No further information or documentation has been supplied to him indicating that Bergen Diagnostic Management Nuclear, LLC properly responded to and satisfied that notice.

Accordingly, our office is requesting a copy of any and all recent Radiation Safety Program Review Reports concerning the facility which is in your possession as well as documentation of any independent verification or evaluations of the facility and its Radiation Safety Programs conducted by the United States Nuclear Regulatory Commission. Please also provide your confirmation that all financial and other obligations of Bergen Diagnostic Management Nuclear, LLC in regard to its herein referenced license are satisfied and/or current.

I would appreciate your earliest possible attention to this matter. Please feel free to contact me.

Very truly yours,

FEIN, SUCH, KAHN & SHEPARD, P.C.



James E. Shepard
Extension 120

JES/br

cc: John S. Pantazopoulos, M.D., P.A.