



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

February 24, 2005

Docket No. 03014397

License No. 52-18072-01

Guillermo A. Torres Cabrera, M.D.
P.O. Box 219
Caguas, PR 00726-0219

**SUBJECT: INSPECTION 03014397/2005001, CAGUAS, PUERTO RICO SITE AND
NOTICE OF VIOLATION**

Dear Dr. Torres Cabrera:

On January 26, 2005, Héctor Bermúdez of this office conducted a safety inspection at your facility of activities authorized by the above listed NRC license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selected examination of representative records. The findings of the inspection were discussed with you at the conclusion of the inspection.

Based on the results of this inspection, it appears that your activities were not conducted in full compliance with NRC requirements. A Notice of Violation (Notice) is enclosed that categorizes each violation by severity level in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG 1600. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The inspection revealed that Violation B in the Notice was caused by the use of a pre-printed form you used prior to calibrating your applicator on August 19, 2004. During the inspection, the form was revised to reflect the actual intended dose you desired to administer to your patients. Since Violation B was corrected during the inspection, a response to Violation B is not required. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

Please note that on October 25, 2004, the NRC suspended public access to ADAMS, and initiated an additional security review of publicly available documents to ensure that potentially sensitive information is removed from the ADAMS database accessible through the NRC's web site. Interested members of the public may obtain copies of the referenced documents for review and/or copying by contacting the NRC Public Document Room pending resumption of public access to ADAMS. The NRC Public Document Room is located at NRC Headquarters in Rockville, MD, and can be contacted at 800-397-4209 or 301-415-4737 or pdr@nrc.gov.

G. Torres Cabrera, M.D.

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Your cooperation with us is appreciated.

Sincerely,

Original signed by Pamela J. Henderson

Pamela J. Henderson, Chief
Medical Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
Commonwealth of Puerto Rico

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D. J. Holody, RI

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DATE	2/22/05		2/22/05					

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NOTICE OF VIOLATION

Guillermo Torres Cabrera, M.D.
Caguas, PR

Docket No. 03014397
License No. 52-18072-01

During an NRC inspection conducted on January 26, 2005, two violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG-1600, the violations are listed below:

- A. 10 CFR 35.433 requires, in part, that only an authorized medical physicist calculate the activity of each strontium-90 source that is used to determine the treatment times for ophthalmic treatments.

Contrary to the above, between October 24, 2002 and January 26, 2005, the licensee, who is not an authorized medical physicist, calculated the activity of his strontium-90 source used to determine the treatment times for ophthalmic treatments.

This is a Severity Level IV violation (Supplement VI).

- B. 10 CFR 35.40 requires, in part, that a written directive be dated and signed by an authorized user before any therapeutic dose of radiation from byproduct material. The written directive must contain the patient's name, treatment site, and dose.

Contrary to the above, between August 19, 2004 and January 26, 2005, the licensee's written directives documented a dose of 2000 rads when, in fact, the actual dose intended was 2500 rads.

This is a Severity Level IV violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, Dr. Torres Cabrera is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include, for Violation A: (1) the reason for the violation, or, if contested, the basis for disputing the 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. The NRC has concluded that there is enough information addressing Violation B on the docket to determine that a response to Violation B is not required, unless the licensee chooses to respond. If the licensee chooses to respond to Violation B, the licensee should follow the steps outlined above for Violation A. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington,

DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site at <http://www.nrc.gov/reading-rm.html>. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated This 24th day of February 2005