

Paul J. Early, DABSNM, DABR  
Vice President, Radiation Safety Officer  
Digirad, Inc.



**Please respond to the address indicated with the "X"**

**( ) NY OFFICE:**

P.O. Box 340  
Bemus Point, NY 14712  
PH: 716-386-3860  
FX: 716-386-4376  
Cell: 216-496-7824

**( X ) GA OFFICE:**

106 Barkentine Ct.  
St. Simon's Island, GA 31522  
PH: 912-634-9951  
FX: 912-634-9961  
Cell: 216-496-7824

March 23, 2005

VIA FAX (610-337-5393)

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, D.C. 20555

**Re: Reply to a Notice of Violation**

**To Whom It May Concern:**

A violation has been alleged indicating that Digirad Imaging Solutions, Inc. had provided mobile nuclear medicine service at 1647 Benning Rd and 650 Pennsylvania Ave, both of Washington, D.C. without obtaining agreements (Memoranda Of Understanding or MOU) from either site's management permitting the use of byproduct materials at their address.

While it is true that services were provided prior to obtaining an MOU, it was also determined well in advance of this inspector's visit that this situation existed and the MOU's were signed and were on file at the time of the inspection. The MOU at Benning Rd. was signed on 8/9/04 and service began on 4/19/04. The MOU at Pennsylvania Ave was signed on 6/22/04 and the service began on 2/24/04. Since these two dates of the signing of the MOU were before the inspectors visit, this should have been regarded as that of self-identified, self-corrected. The MOU's are enclosed for verification.

13950 Stowe Drive  
Poway, CA 92064-8803

t 858.726.1600  
f 858.726.1700  
www.digirad.com

IE07

Since this "violation" was self-identified, self-corrected, we respectfully request that this violation be rescinded. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Paul J. Early". The signature is written in a cursive, flowing style.

Paul J. Early, DABSNM, DABR  
*Vice President, Corporate Radiation Safety*  
Digirad Corporation

cc: Administrator, Region I

03-21-'05 21:08 FROM-DIGIRAD

610-366-1483

T-564 P83/83 U-521

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ALL HEART MEDICAL

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ALL HEART MEDICAL  
610-366-1483

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T-589 P0: /02 U-827



## MEMORANDUM OF UNDERSTANDING

### ACCESS TO LOCATIONS WHERE RADIOACTIVE MATERIALS ARE USED

#### **FACILITY LOCATION:**

Dr. Allen  
1647 Benning Rd. NE  
Suite 201  
Washington, DC 20007

The management of this building is aware that radioactive materials, used in human beings, are being used by Digirad Imaging Solutions, Inc., at the above address. The building management recognizes the use of radioactive materials for human use is licensed by the NRC and/or the state in which the above facility is housed and do not present a danger in any way if regulations, as dictated by these government agencies are followed. In the interest of public safety, the building management will not deny access or entry into areas where radioactive materials are being used by individuals authorized to use these radioactive materials. In the event of a dispute between the building management and Digirad Imaging Solutions, Inc., individuals authorized to use medical radioactive materials will be allowed to enter and either secure all radioactive materials from unauthorized removal or be allowed to remove them.

Signed:

Title

Date:

8/9/04

Property Manager

Ray S. Shapiro

Print Full Name

Harvey Property Management Co., Inc.  
Authorized agent for Greater Northeast, LLC



## MEMORANDUM OF UNDERSTANDING

### ACCESS TO LOCATIONS WHERE RADIOACTIVE MATERIALS ARE USED

#### **FACILITY LOCATION:**

Dr. Burris  
650 Pennsylvania Ave.  
Suite 480  
Washington, DC 20003

The management of this building is aware that radioactive materials, used in human beings, are being used by Digirad Imaging Solutions, Inc., at the above address. The building management recognizes the use of radioactive materials for human use is licensed by the NRC and/or the state in which the above facility is housed and do not present a danger in any way if regulations, as dictated by these government agencies are followed. In the interest of public safety the building management will not deny access or entry into areas where radioactive materials are being used by individuals authorized to use these radioactive materials. In the event of a dispute between the building management and Digirad Imaging Solutions, Inc., individuals authorized to use medical radioactive materials will be allowed to enter and either secure all radioactive materials from unauthorized removal or be allowed to remove them.

Signed: \_\_\_\_\_

Title

Date: \_\_\_\_\_

6/24/01

Alfred C. Burris  
Print Full Name