



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

October 12, 2005

Docket No. 03033927

License No. 52-12202-03

Enrique González Jiménez, M.D.
P.O. Box 366
Muñoz Rivera # 30
Caguas, PR 00725

SUBJECT: INSPECTION 03033927/2005001, CAGUAS, PUERTO RICO SITE AND
NOTICE OF VIOLATION

Dear Dr. González Jiménez:

On September 27, 2005, Héctor Bermúdez of this office conducted a safety inspection at the above address 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 is enclosed that categorizes each violation by severity level. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. 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.

Current NRC regulations are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, industrial, and academic uses of nuclear material**; then **toolkit index page**. The Current General Policy and Procedure for NRC Enforcement Actions are included on the NRC's website at www.nrc.gov; select **What We Do, Enforcement**, then **Enforcement Policy**. Or you may obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays).

E. González Jiménez, M.D.

2

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

Distribution:
D. J. Holody, RI

DOCUMENT NAME: E:\Filenet\ML052850154.wpd

SISP Review Complete: (Reviewer's Initials) HB

After declaring this document "An Official Agency Record" it **will** be released to the Public.

To receive a copy of this document, indicate in the box: "C" = Copy w/o attach/encl "E" = Copy w/ attach/encl "N" = No copy

OFFICE	DNMS/RI	N	DNMS/RI				
NAME	Hbermúdez/PJH f/		Phenderson/PJH				
DATE	10/11/05		10/11/05				

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Enrique González Jiménez, M.D.
Caguas, PR

Docket No. 03033927
License No. 52-12202-03

During an NRC inspection conducted on September 27, 2005, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 35.432(a) requires, in part, that on or after October 24, 2002, the licensee determine the source output using published protocols currently accepted by nationally recognized bodies.

Contrary to the above, as of September 27, 2005, the licensee had not determined the output of its strontium-90 source using published protocols currently accepted by nationally recognized bodies.

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

- B. 10 CFR 35.433(a) requires that only an Authorized Medical Physicist (AMP) 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 September 27, 2005, Dr. González Jiménez, who is not an AMP, 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).

Pursuant to the provisions of 10 CFR 2.201, Dr. González Jiménez 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 each violation: (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. 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. 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 12th day of October 2005