



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

May 31, 2006

Docket No. 03036500

License No. 29-30879-01

Nash Khan
Manager
Garden State Magnetic Imaging P.C.
1245 Whitehorse-Mercerville Road, Suite 403
Hamilton Township, NJ 08619

SUBJECT: INSPECTION 03036500/2006001, GARDEN STATE MAGNETIC IMAGING P.C., HAMILTON TOWNSHIP, NEW JERSEY SITE AND NOTICE OF VIOLATION

Dear Ms. Khan:

On February 9, 2006, Todd Jackson of this office conducted a safety inspection at the above address of activities authorized by your 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 and interviews with personnel. The preliminary findings of the inspection were discussed with you at the conclusion of the inspection. On February 23, 2006, the inspector contacted the Radiation Safety Officer (RSO) listed in Condition 11 of your license, Mr. Charles Anthony Giomuso, M.S., to discuss the findings of the inspection. Mr. Giomuso indicated that he no longer had responsibility for the radiation safety program at Garden State Magnetic Imaging P.C. (GSMIPC) and stated that he advised you of this in a letter dated November 18, 2005. Mr. Giomuso submitted a letter to NRC dated March 1, 2006, reiterating that he was no longer responsible for the radiation safety program. NRC advised you of the contents of Mr. Giomuso's letter and, in a March 9, 2006 voice mail message, you stated that you did not need a physicist because you intended to terminate the license. NRC opened an amendment action to terminate the license but voided the action on May 30, 2006 when you failed to provide the required information.

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 the violations 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 Enforcement Policy is included on the NRC's website at www.nrc.gov; select

N. Khan
Garden State Magnetic Imaging P.C.

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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).

Your cooperation with us is appreciated.

Sincerely,

Original signed by James P. Dwyer

James P. Dwyer, Chief
Commercial and R&D Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
State of New Jersey

N. Khan
Garden State Magnetic Imaging P.C.

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NOTICE OF VIOLATION

Garden State Magnetic Imaging P.C.
Hamilton Township, NJ

Docket No. 03036500
License No. 29-30879-01

During an NRC inspection conducted on February 9, 2006, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Condition 11 of NRC License No. 29-30879-01 states that the Radiation Safety Officer for this license is Charles Anthony Giomuso, M.S..

Contrary to the above, the Radiation Safety Officer for License No. 29-30879-01 was not Charles Anthony Giomuso, M.S.. Specifically, in a letter dated November 18, 2005, Charles Anthony Giomuso, M.S. advised the licensee that he was no longer responsible for the radiation safety program at Garden State Magnetic Imaging P.C.. This information was provided to NRC in a letter from the Radiation Safety Officer dated March 1, 2006.

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

- B. 10 CFR 35.14(b)(1) requires, in part, that a licensee notify the Commission no later than 30 days after the Radiation Safety Officer permanently discontinues performance of duties under the license.

Contrary to the above, on November 18, 2005, the licensee's Radiation Safety Officer notified the licensee that he was permanently discontinuing performance of duties under the license and the Commission was not notified until March 1, 2006, a period of time in excess of 30 days.

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

Pursuant to the provisions of 10 CFR 2.201, Garden State Magnetic Imaging P.C. 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 31st day of May, 2006