



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

January 4, 2008

Docket No. 03019665

License No. 37-21012-01

Oliver W. Caminos, M.D.
dba Pittsburgh Cardiovascular Institute
dba Med Health Services
2490 Mossdale Boulevard
Monroeville, PA 15146

SUBJECT: INSPECTION 03019665/2007001, OLIVER W. CAMINOS, M.D., DBA
PITTSBURGH CARDIOVASCULAR INSTITUTE, DBA MED HEALTH
SERVICES, MONROEVILLE, PENNSYLVANIA AND THE HOMESTEAD,
PENNSYLVANIA SITE, AND NOTICE OF VIOLATION

Dear Dr. Caminos:

On December 4, 2007, Tara Weidner of this office conducted a safety inspection at the above address and at the client site at 220 East 8th Avenue, Homestead, Pennsylvania 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. Additional information provided in the telephone conversation on January 3, 2008 between Mark Perna of your organization and this office was also examined as part of the inspection. The findings of the inspection were discussed with you and Brandon Blair, Nuclear Medicine Technologist, of your organization 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 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, Academic, and Industrial Uses of Nuclear Material**; then **Regulations, Guidance, and Communications Page**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC; Organization and Functions; Office of Enforcement; About Enforcement**; then **Enforcement Policy**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 7:00 a.m. to 8:00 p.m. EST, Monday through Friday (except Federal holidays).

O. Caminos
dba Pittsburgh Cardiovascular Institute

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Please contact Tara Weidner at 610-337-5272 if you have any questions regarding this matter.

Sincerely,

Original signed by Pamela J. Henderson

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

Enclosure:
Notice of Violation

cc:
Samir Shah, M.D., Radiation Safety Officer
Commonwealth of Pennsylvania

O. Caminos
dba Pittsburgh Cardiovascular Institute

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Please contact Tara Weidner at 610-337-5272 if you have any questions regarding this matter.

Sincerely,

Original signed by Pamela J. Henderson

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

Enclosure:
Notice of Violation

cc:
Samir Shah, M.D., Radiation Safety Officer
Commonwealth of Pennsylvania

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SUNSI Review Complete: TWeidner

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NAME	TWeidner/tlw		PHenderson/pjh				
DATE	1-4-08		01/09/08				

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NOTICE OF VIOLATION

Oliver W. Caminos, M.D.
Monroeville, PA

Docket No. 03019665
License No. 37-21012-01

During an NRC inspection conducted on December 4, 2007, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 71.5(a) requires that a licensee who transports licensed material outside of the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 170 through 189.

49 CFR 177.817(a) requires that a carrier not transport a hazardous material unless it is accompanied by a shipping paper prepared in accordance with 49 CFR 172.200-203. Pursuant to 49 CFR 172.101, radioactive material is classified as hazardous material.

Contrary to the above, on December 4, 2007, the licensee transported licensed material outside of the site of usage without a shipping paper. Specifically, on December 4, 2007, the licensee transported 50 millicuries of technetium 99m from its facility in Monroeville, Pennsylvania, over public highways, to a client site in Homestead, Pennsylvania.

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

- B. 10 CFR 35.80(a)(1) requires that a licensee providing mobile medical service shall obtain a letter signed by the management of each client for which services are rendered that permits the use of byproduct material at the client's address and clearly delineates the authority and responsibility of the licensee and the client.

Contrary to the above, as of December 4, 2007, the licensee provided mobile medical services and did not obtain a letter signed by the management of each client for which services are rendered that permits the use of byproduct material at the client's address and clearly delineates the authority and responsibility of the licensee and the client. Specifically, as of December 4, 2007, the licensee had not obtained letters signed by the management of each client for which services are rendered from 11 of their 14 clients.

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

Pursuant to the provisions of 10 CFR 2.201, Oliver W. Caminos, M.D. 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 4th day of January 2008