



February 18, 2010

Docket No. 030-37113

License No. 29-31119-01

Adel Mustafa, Ph.D.
President
New Jersey Institute of Radiology
630 Broad Street
Carlstadt, NJ 07072

**SUBJECT: NRC INSPECTION REPORT NO. 030-37113/2008002, NEW JERSEY
INSTITUTE OF RADIOLOGY, CARLSTADT, NEW JERSEY SITE AND NOTICE
OF VIOLATION**

Dear Dr. Mustafa:

On October 31, 2008, Dennis Lawyer of this office conducted a safety inspection at your Carlstadt, New Jersey address of activities authorized by your NRC license. The inspection was conducted to follow up on a report from the New Jersey Institute of Radiology (NJIR) owner of record stating: (1) that the license had been transferred to new ownership; (2) that he, as an authorized user, was no longer associated with the license; and (3) that the only other authorized user (AU) listed on the license had resigned effective October 20, 2008. NRC was concerned that medical procedures with licensed material may have been performed without required AU supervision between October 20, 2008, when the last AU reportedly resigned, and October 30, 2008, when NRC completed an amendment naming a new AU on the license. The NRC's Office of Investigations (OI) performed an investigation to determine if medical procedures with licensed material were willfully performed by NJIR employees without required AU supervision during this 10-day period. The OI's conclusions, communicated to you separately in a letter dated February 9, 2010, were that NRC was unable to substantiate that employees of NJIR willfully conducted medical procedures with licensed material without required AU oversight. The findings of the NRC inspection were discussed with your Office Manager, Ms. Kristien Bonagura, on February 9, 2010. The enclosed report presents the results of this 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 violation by severity level.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed on the docket in letters from the new NJIR owner, John Hajjer, M.D., dated November 3 and December 11, 2008. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be made available electronically for public inspection in the NRC Public

A. Mustafa

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Document Room or from the NRC document system (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>.

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; How We Regulate; 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 6:30 p.m. EST, Monday through Friday (except Federal holidays).

Please contact Dennis Lawyer of my staff at 610-337-5366 if you have any questions regarding this matter.

Sincerely,

Original signed by James P. Dwyer

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

Enclosures:
Inspection Report No. 030-37113/2008002
Notice of Violation

cc:
State of New Jersey

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Notice of Violation

cc:
State of New Jersey

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| OFFICE | DNMS/RI | N | DNMS/RI | DNMS/RI | | |
| NAME | DLawyer/JPD for | | JDwyer/JPD | | | |
| DATE | 2/18/2010 | | 2/18/2010 | | | |

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

New Jersey Institute of Radiology
Carlstadt, NJ

Docket No. 030-37113
License No. 29-31119-01

During an NRC inspection conducted on October 31, 2008, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 30.34(b) requires, in part, that no license issued or granted pursuant to the regulations in 10 CFR Parts 30 and 35 shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of the Atomic Energy Act and shall give its consent in writing.

Contrary to the above, on September 8, 2008, a license granted pursuant to the regulations in 10 CFR Parts 30 and 35 was assigned, through transfer of control, to a person and the Commission had not been given full information that the transfer was in accordance with the provisions of the Atomic Energy Act and had not given its consent in writing. Specifically, the New Jersey Institute of Radiology was sold by Hussein M. Abdel-Dayem, M.D. to John Hajjer, M.D. and Urology Specialty Care, P.A., without the prior written consent of the NRC.

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

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to be taken to correct the violation and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in the letters from John Hajjer, M.D. dated November 3 and December 11, 2008. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation.

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.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at www.nrc.gov/reading-rm/pdr.html www.nrc.gov/reading-rm/adams.html. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Notice of Violation
New Jersey Institute of Radiology

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

Dated this 18th day of February 2010