



REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

May 24, 2010

Docket No. 03036979  
EA-10-091

License No. 52-31065-01

José E. Meléndez, M.D.  
Radiation Safety Officer  
100 Roseville Drive, Box 22  
San Juan, PR 00926

SUBJECT: YOUR LETTER DATED APRIL 29, 2010, IN RESPONSE TO NRC NOTICE OF VIOLATION ISSUED ON APRIL 19, 2010

Dear Dr. Meléndez:

This letter refers to your April 29, 2010, correspondence, in response to our April 19, 2010, letter and Notice of Violation (NOV) for two violations involving the failure to adequately: (1) control access to an area of licensed material use and storage; and (2) post an area of licensed material use and storage. The violations were classified as Severity Level IV violations.

In your April 29, 2010, response to the NOV, you disputed the violations. You contended that you believe the violations were issued in error, because: (1) the licensed material area of use and storage was under constant surveillance and control by the reception desk staff when not locked or not under the control of the nuclear medicine staff; and (2) although the doorway into the hot lab (an area of storage and use) was not posted, the doorway into the suite was posted.

We are in the process of reviewing the information you provided in your response. To facilitate our review, we request that you provide documentation within 15 days of the date of this letter to support your assertion that reception desk staff were trained on the responsibility to control access to the licensed material area of use and storage. You may submit this information to my attention. After consideration of the information is complete, the NRC will document its conclusions in a future correspondence to you.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Current NRC regulations are included on the NRC's website at [www.nrc.gov](http://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](http://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).

J. Melendez

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I can be reached at 610-337-5022 if you have any questions regarding this matter.

Sincerely,

***Original signed by Penny Lanzisera For***

Marc S. Ferdas, Chief  
Medical Branch  
Division of Nuclear Materials Safety

cc:  
Commonwealth of Puerto Rico

EST, Monday through Friday (except Federal holidays).

I can be reached at 610-337-5022 if you have any questions regarding this matter.

Sincerely,

**Original signed by Penny Lanzisera For**

Marc S. Ferdas, Chief  
Medical Branch  
Division of Nuclear Materials Safety

cc:  
Commonwealth of Puerto Rico

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