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JUL 01 1981

cc: PDR  
LPDR  
NSK

License No. 34-16504-01MD  
EA 81-50 16405



Pharmaco Nuclear, Incorporated  
ATTN: David A. Hurwitz, Ph.D.  
10900 Carnegie Avenue, Suite 308  
Cleveland, Ohio 44106

Gentlemen:

This refers to our evaluation of your report, "Temporary Loss of Licensed Radioactive Medicinals Following a Minor Traffic Mishap," which was received by our NRC Region III (Chicago) office on March 9, 1981. On April 3, 1981, an enforcement conference was conducted by telephone between you and a member of your staff and C. E. Norelius and members of the Region III staff. Specifically, the reported problem involved a loss of control of a package containing radioactive material that had fallen off a licensee operated station wagon, and was left unattended in an unrestricted area and not under the constant surveillance and immediate control of the licensee.

The violation in Appendix A to this letter has been categorized at the severity level described in the Interim Enforcement Policy published in the Federal Register, 45 FR 66754 (October 7, 1980). Your failure to maintain positive control of a package of radioactive material in a manner that would permit unauthorized removal from an unrestricted area is a Severity Level III violation.

After consideration of this matter, we propose to impose a civil penalty in the amount of Two Thousand Eight Hundred Dollars for the violation set forth in Appendix A to this letter. The base value of this Severity Level III violation is Four Thousand Dollars. However, since Pharmaco Nuclear, Incorporated, prior to NRC discovery, corrected and reported the violation to the NRC in a timely manner, the base value of the civil penalty has been reduced by thirty percent in accordance with our Interim Enforcement Policy.

You are required to respond to Appendix A, and in preparing your response you should follow the instructions specified in Appendix A. You should give particular attention to those actions designed to assure continuing compliance with NRC requirements.

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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34-1605-01MD PDR

In accordance with Section 2.790 of the NRC's "Rules of Practice", Part 2, Title 10, Code of Federal Regulations, a copy of this letter and the enclosure will be placed in the NRC's Public Document Room.

Sincerely,

Original signed by  
Victor Stello

Victor Stello, Jr.  
Director  
Office of Inspection and Enforcement

Enclosure:  
Appendix A, Notice of Violation and  
Proposed Imposition of a Civil Penalty

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Department of Health  
ATTN: Director  
Radiological Health Program  
246 North High Street  
P. O. Box 118  
Columbus, OH 43216

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*J. COSGROVE*  
*(Jm)*