

APPENDIX A

NOTICE OF VIOLATION

Daniel R. Hain, M.D.
South Plainfield, New Jersey 07080

Docket No. 030-30932
License No. 29-28327-01

During an NRC inspection conducted on September 21, 1993, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the violations is listed below:

10 CFR 35.25 requires, in part, that a licensee that permits the receipt, possession, and use of byproduct material by an individual under the supervision of an authorized user as allowed by 10 CFR 35.11, shall instruct the supervised individual in the principles of radiation safety appropriate to that individual's use of byproduct material and periodically review the supervised individual's use of byproduct material.

Contrary to the above, from January 1991 to September 1993, the licensee permitted the receipt, possession and use of by product material by an individual under the supervision of an authorized user as allowed by 10 CFR 35.11, and did not instruct the supervised individual in the principals of radiation safety appropriate to that individual's use of byproduct material and periodically review the supervised individual's use of byproduct material. Specifically, Drs. Lao and Georgeson used byproduct material at the Metuchen and/or Bridgewater facilities and they were not instructed by the licensee in the principles of radiation safety nor was their use of byproduct material, including the interpretation of nuclear medicine scans, periodically reviewed.

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

Pursuant to the provisions of 10 CFR 2.201, Daniel R. Hain, 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.

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If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued to show cause 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.