

OFFICIAL RECORD COPY

FEB 23 1994

Docket No. 030-19134
License No. 52-16345-02MD

Diagnostic Photon Corporation
ATTN: Justo M. Caamaño, M.D.
Radiation Safety Officer
P. O. Box 4408
Carolina, PR 00628

Gentlemen:

SUBJECT: NOTICE OF VIOLATION
(NRC INSPECTION REPORT NO. 52-16345-02MD/94-01)

This refers to the inspection conducted by L. Franklin of this office on January 26, 1994. The inspection included a review of activities authorized for your Carolina, Puerto Rico, facility. At the conclusion of the inspection, the findings were discussed with you.

The inspection was an examination of activities conducted under your license with respect to radiation safety and compliance with NRC regulations and the conditions of your license. It included selective examinations of procedures and representative records, interviews with personnel, and direct observations by the inspector.

Based on the results of this inspection, certain of your activities appeared to be in violation of NRC requirements, as specified in the enclosed Notice of Violation (Notice). In addition, the inspector identified activities that violated NRC requirements that will not be subject to enforcement action because the licensee's efforts in identifying and/or correcting the violation meet the criteria specified in Section VII.B of the Enforcement Policy. The non-cited violation was a failure to post documents as required by 10 CFR 19.11 and 10 CFR 21.6. This item was discussed with you during the meeting at the conclusion of the inspection.

The violation described in the enclosed Notice is similar to a violation contained in the December 28, 1992, NRC Form 591 Notice of Violation left with you at the conclusion of an inspection conducted on that day. Recurring violations are of particular concern because the NRC expects licensees to learn from their past failures and to take effective corrective actions.

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. 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.

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In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and any reply will be placed in the NRC Public Document Room.

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Should you have any questions concerning this letter, please contact us.

Sincerely,

Original Signed By
D. M. Collins
Douglas M. Collins, Chief
Nuclear Materials Safety and
Safeguards Branch
Division of Radiation Safety
and Safeguards

Enclosure:
Notice of Violation

cc w/encl:
Commonwealth of Puerto Rico

bcc w/encl:
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*See previous concurrence

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Division of Radiation Safety
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