

14 SEP 1982

Docket No. 30-17239

License No. 29-19265-01

Radiological Diagnostic Center of Englewood
ATTN: Jack Baldassare, M.D.
177 North Dean Street
Englewood, New Jersey 07631

Gentlemen:

Subject: Inspection No. 82-01

This refers to the routine safety inspection conducted by Miss J. McGinness of this office on March 9, 1982 of activities authorized by NRC License No. 20-19265-01 and to the discussions of our findings held by Miss McGinness with yourself and Dr. S. Friedman at the conclusion of the inspection and to a subsequent telephone enforcement conference between Mr. J. H. Joyner and yourself on June 29, 1982.

The inspection was an examination of activities conducted under your license as they relate to radiation safety and to compliance with the Commission's rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, measurements made by the inspector, and observations by the inspector.

Our inspector also verified the steps you have taken to correct the violations brought to your attention in the enclosure to our letter dated October 15, 1980. We have no further questions regarding the steps you took to correct items A.5 and B. With regard to items A.1, A.2, A.3, and A.4, these items have recurred.

Based on the results of this inspection, it appears that certain of your activities were not conducted in full compliance with NRC requirements as set forth in the Notice of Violation, enclosed herewith as Appendix A. These violations have been categorized by severity level in accordance with the NRC Enforcement policy (10 CFR 2, Appendix C) published in the Federal Register Notice (47 FR 9987) dated March 9, 1982. You are required to respond to this letter and in preparing your response, you should follow the instructions in Appendix A.

Items C, D.1(a), D.1(b), and D.2 in the Notice of Violation enclosed with this letter were identified during previous inspection of your licensed activities on September 12, 1980 and were documented in the enclosure to our letter dated October 15, 1980. Your letter to this office dated November 13, 1980 and February 6, 1981 stated that the dose calibrator would be checked daily for constancy and tested quarterly for linearity, that surveys would be performed daily and weekly as required and that all employees would be provided with the required training. From our March 9, 1982 inspection it appears that the stated corrective actions were not implemented since these items have recurred. Recurrent and uncorrected violations are given additional weight in

OFFICIAL RECORD COPY

8209300329 820914
NMS LIC30
29-19265-01 PDR

1E07

* 14 SEP 1982

the consideration and selection of appropriate enforcement action. As Mr. Joyner discussed during the telephone conversation on June 29, 1982, in addition to the need for corrective action regarding the specific violations identified in Appendix A, we are concerned about the implementation of your management controls which permitted them to occur. Therefore, in your response to this letter, you should give particular attention to those actions taken or planned to ensure that your management controls will be effective and that identified violations will be completely corrected and will not recur.

Item A described in the attached Notice of Violation, involving control of licensed material, is classified as a Severity Level IV violation. As indicated in Supplement IV of the NRC Enforcement Policy significant violations of this type are normally classified as Severity Level III. However, after careful consideration of the factors involved in this specific instance, including the fact that the impact on the health and safety of the public was minimal and remote since removal of the unsecured material was unlikely, we have exercised our judgement under the NRC Enforcement Policy and have classified this violation as a Severity Level IV. Similar violations of this type in the future may result in additional enforcement action.

The responses directed by this letter and the accompanying Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

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 your reply will be placed in the Public Document Room.

Your cooperation with us in this matter is appreciated.

Sincerely,

Original Signed By:

Thomas T. Martin, Director
Division of Engineering and Technical
Programs

Enclosure: Appendix A, Notice of Violation

14 SEP 1982

cc w/encl:
Public Document Room (PDR)
Nuclear Safety Information Center (NSIC)
State of New Jersey

bcc w/encl:
Region I Docket Room (with concurrences)
Chief, Operational Support Section (w/o encl)
Director of Enforcement, IE
Enforcement Specialist, RI

[Signature]
RI:DETP
McGinness/pja
8/29/82

[Signature]
RI:DETP
Kinneman
8/23/82

[Signature]
RI:DETP
Joyner
8/23/82

[Signature]
RI:DETP
Carlson
8/26

[Signature]
RI:DETP
Martin
9/8