

APPENDIX A

NOTICE OF VIOLATION

Patrick J. Conte, M.D.  
Roseland, New Jersey 07068

Docket No. 030-30458  
License No. 29-28166-01

As a result of the inspection conducted on October 15, 1990, and in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (Enforcement Policy) (1990), the following violations were identified:

- A. 10 CFR 35.51(a)(1) requires that licensees calibrate the survey instruments used to show compliance with this part on all scales with readings up to 1000 millirem per hour with a radiation source.

Contrary to the above, as of October 15, 1990, the survey instruments used to show compliance with this part were not calibrated on all scales with readings up to 1000 millirem per hour with a radiation source. Specifically, an electronic pulse generator was used to calibrate the survey instrument.

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

- B. 10 CFR 35.59(b) requires, in part, that each licensee in possession of a sealed source, test the source for leakage at intervals not to exceed six months.

Contrary to the above, the licensee did not test each sealed source in its possession for leakage at intervals not to exceed six months. Specifically, the sealed dose calibrator reference check sources were not leak tested from January 1990 until September 1990.

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

- C. 10 CFR 35.50 requires, in part, that the licensee check each dose calibrator for constancy with a dedicated check source at the beginning of each day of use.

Contrary to the above, on October 15, 1990 and other occasions, the licensee did not check the dose calibrator for constancy with a dedicated check source at the beginning of each day of use.

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

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Pursuant to the provisions of 10 CFR 2.201, Patrick J. Conte, M.D. is hereby required to submit to this office within thirty days of the date of the letter which transmitted this Notice, a written statement or explanation in reply, including: (1) the corrective steps which have been taken and the results achieved; (2) corrective steps which will be taken to avoid further violations; and (3) the date when full compliance will be achieved. Where good cause is shown, consideration will be given to extending this response time.