

DCS

November 20, 1990

Roche Professional Service Centers, Inc.
Bldg. 86, 1st Floor
ATTN: John Kerins
Vice President Regulatory Affairs
340 Kingsland Street
Nutley, New Jersey 07110

Gentlemen:

SUBJECT: CORRECTION TO NRC LETTER DATED NOVEMBER 16, 1990
TRANSMITTING A NOTICE OF VIOLATION AND PROPOSED
IMPOSITION OF CIVIL PENALTY

This refers to our letter to you dated November 16, 1990, which forwarded a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) for violations identified during an NRC inspection conducted on October 25, 1989 and October 31, 1989, at your facility in Philadelphia, Pennsylvania. The subscript on the first page of this letter inadvertently characterized the letter and enclosed Notice as a "Proposed Enforcement Action."

Enclosed is a corrected copy of the first page of this November 16, 1990 letter. We apologize for any inconvenience this error may have caused.

Sincerely,



Thomas T. Martin
Regional Administrator

Enclosure:

Corrected Copy of First Page of Letter Dated November 16, 1990 Transmitting Notice of Violation and Proposed Imposition of Civil Penalty

cc w/encls:

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November 16, 1990

Docket No. 030-29240
License No. 37-27830-01MD
EA 90-161

Roche Professional Service Centers, Inc.
Bldg. 86, 1st Floor
ATTN: John Kerins
Vice President Regulatory Affairs
340 Kingsland Street
Nutley, New Jersey 07110

Gentlemen:

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY - \$7,500
(NRC Inspection Report No. 89-001 and Investigation Report 1-89-019)

This letter refers to the NRC safety inspection conducted on October 23 and 31, 1989 at your facility in Philadelphia, Pennsylvania, of activities authorized by NRC License No. 37-27830-01MD. This letter also refers to the subsequent investigation conducted by the NRC Office of Investigations (OI). The report of the inspection and the synopsis of the OI report were forwarded to you on September 21, 1990. During the inspection and investigation, violations of NRC requirements were identified, including a willful violation involving the Facility Manager authorizing a technician to use licensed material when an authorized user was not present, as well as a subsequent failure by the individual to provide accurate information to an NRC inspector. These violations are described in Section I of the enclosed Notice. On October 2, 1990, an enforcement conference was held with you and members of your staff during which these violations, their causes, and your corrective actions were discussed.

With respect to the violations described in Section I of the enclosed Notice, on September 17, 1989, the then Facility Manager authorized a technician at the facility to use licensed material (by drawing doses) when an authorized user was not present. Although the safety significance of the violation was low because the Facility Manager knew that the technician was experienced and technically capable of drawing doses, the Facility Manager's actions constituted a willful violation of regulatory requirements since the Facility Manager knew that the conditions of your license prohibited the use of licensed material when an authorized user was not present. Furthermore, during the NRC inspection on October 23, 1989, the Facility Manager provided inaccurate information to the NRC inspector when she stated to the inspector that she was unaware of any occasions when licensed material was used without an authorized user present.

A license to use radioactive material is a privilege that confers upon the licensee, its officials and employees, the special trust and confidence of the