

ENCLOSURE

NOTICE OF VIOLATION

Diagnostic Photon Corporation  
Carolina, Puerto Rico

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

During an NRC inspection conducted on December 20, 1990, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1990), the violations are listed below:

- A. 10 CFR 20.101(a) requires that the licensee limit the whole body radiation dose of an individual in a restricted area to one and one quarter rems per calendar quarter, except as provided by 10 CFR 20.101(b). 10 CFR 20.201(b) allows a licensee to permit an individual in a restricted area to receive a whole body radiation dose of three rems per calendar quarter provided specified conditions are met.

Contrary to the above, the licensee did not limit the whole body radiation dose of an individual in the radiopharmaceutical hot lab, a restricted area, to 1.25 rems per calendar quarter, and the conditions of 10 CFR 20.201(b) were not met. Specifically, the individual received whole body doses of 1.94 rems, 1.75 rems and 1.29 rems during the first, second and third calendar quarters of 1990, respectively.

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

- B. 10 CFR 20.405(a) requires, in part, that, within 30 days, each licensee make a written report to the Commission concerning each exposure to radiation in excess of any applicable limit in Part 20 or in the NRC license.

Contrary to the above, as of December 20, 1990, the licensee had not made a report to the Commission of exposures which exceeded the limits of 10 CFR 20.101(a) during the first and second quarters of 1990.

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

- C. 10 CFR 71.5 requires that each licensee who transports licensed material outside of the confines of its plant or other place of use or who delivers licensed material to a carrier for transport comply with the applicable requirements of U.S. Department of Transportation in 49 CFR Parts 170 through 189.

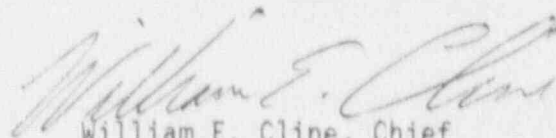
49 CFR 178(e)(2) requires the licensee to store the shipping papers as follows: when the driver is at the vehicle controls, the shipping paper shall be within his immediate reach while he is restrained by the lap belt and either readily visible to a person entering the driver's compartment or in a holder which is mounted to the inside of the door on the driver's side of the vehicle.

Contrary to the above, as of December 20, 1990, the licensee had been storing shipping papers inside the case containing licensed material located inside the trunk of the licensee's vehicle while in transport.

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

Pursuant to the provisions of 10 CFR 2.201, Diagnostic Photon Corporation 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 II, 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. If an adequate reply is not received within the time specified in this Notice, an order 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.

FOR THE NUCLEAR REGULATORY COMMISSION



William E. Cline, Chief  
Nuclear Materials Safety and  
Safeguards Branch  
Division of Radiation Safety  
and Safeguards

Dated at Atlanta, Georgia  
this 18<sup>th</sup> day of January 1991