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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

FEB 11 1991

Docket No. 030-15125  
EA 90-144

License No. 37-18461-01MD

Syncor International Corporation  
ATTN: Mr. Gene McGrevin  
President and C.E.O.  
20001 Prairie Street  
Chatsworth, California 91813-2185

Gentlemen:

This correspondence acknowledges receipt of your letter dated December 3, 1990, and your check for \$12,500 in full payment for the civil penalty proposed by NRC in a letter dated November 5, 1990 for a violation involving licensed material being left unsecured and unattended in unlocked vehicles in your parking lot in Folcroft, Pennsylvania. Nonetheless, in your response, you (1) deny the violation for which a civil penalty was assessed, and (2) disagree with certain statements in the letter which transmitted the civil penalty.

With respect to your denial of the security violation, the NRC inspector observed that licensed material was left in unlocked and unattended vehicles, without surveillance or immediate control. In one case, the driver, even after being warned by the inspector that her actions constituted a violation of NRC requirements, did not identify the presence of a company employee in the vicinity of the loaded, unattended, and unlocked vehicle, who had assumed responsibility to maintain constant surveillance and immediate control of the licensed material. Even if another unseen company employee was in the parking lot, that individual could not be counted upon to provide the required controls without some overt act of acceptance or assignment of responsibility. In this case, the inspector did not observe any other employee in the parking lot at the time, and there was no evidence that any other individual was assigned responsibility to maintain surveillance of the material when the individual left the vehicle.

In another case, another driver of one of your vehicles did, in fact, enter your facility while other employees were in the parking lot loading their assigned vehicles. However, there was no evidence that an attempt was made to assign surveillance of his open vehicle to another employee. Consequently, when he exited your facility, his open vehicle was unattended and had not been under constant surveillance by a Syncor employee. Therefore, the violation remains as stated in the Notice.

In spite of your denial of the violation, we acknowledge that you recognized the seriousness of this matter and have taken corrective actions, including your commitment to zero errors, and your announcement, by mail, to each employee of the impact of their personal behavior on the licensed program and their responsibility to be in compliance with the rules and regulations that

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govern nuclear pharmacies. We will review the effectiveness of these actions and your staff's proper understanding of these requirements during future NRC inspections.

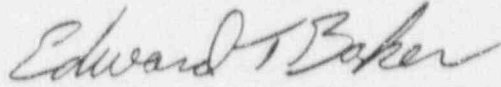
As to our letter dated November 5, 1990, the NRC recognizes your disagreement with the description of statements attributed to your representatives at the enforcement conference referring to the actions associated with the 1985 inspections and your corrective and preventive measures. While the NRC misinterpreted the statements of your employees concerning the corrective actions developed as a result of the 1985 events, the NRC nonetheless maintains that the 1985 events were mentioned during the enforcement conference. Furthermore, these issues were discussed more fully between our management and your corporate officer in discussions preceding the enforcement conference. We appreciate your clarification of the sequence of events which led to the creation of the training video tapes, and your letter will be placed in the Public Document Room (PDR).

In your response, you also expressed concern that the NRC did not mitigate the penalty based on your corrective action because the Syncor corporate management was not adequately represented at the enforcement conference. Furthermore, you referenced, as evidence of the generic aspect of your corrective actions, (1) discussions that Mr. Comer, your Corporation Radiation Safety Officer, had with Dr. Shanbaky of NRC Region I that purportedly informed NRC of corporate-wide actions that Syncor was taking as a result of the security violations, and (2) copies of documents generated as a result of the Folcroft inspection and subsequent to the enforcement conference were sent to other Syncor facilities and all Syncor employees.

Regarding Syncor representation at the enforcement conference, the NRC did not preclude attendance by corporate management. With respect to the conversations with Mr. Comer held in advance of the enforcement conference, it is still not clear to NRC that the corrective actions discussed were applicable to all Syncor facilities. At the enforcement conference, your representatives stated that the "corrective action" taken, to maintain an early shift parking lot monitor was to address the problem at the Folcroft facility and they were unsure at which other, if any, facilities an early shift parking lot monitor would be used. In addition, the fact that you sent a generic communication to facilities and employees subsequent to the enforcement conference (and subsequent to the NRC's issuance of the proposed civil penalty on November 5, 1990) and not in advance of the conference further substantiates our belief that you only considered such action after it was evident that NRC maintained the existence of the security violation. Syncor's actions would have been considered timely and comprehensive, if such actions were taken before the enforcement conference, and if one of your representatives at the conference had described measures to ensure proper security of materials at all facilities. The latter action was particularly important since this was the third such event at one of your facilities. Consequently, no mitigation of the civil penalty for corrective action is warranted.

No reply to this letter is required. Your cooperation with us is appreciated.

Sincerely,



Edward T. Baker, Deputy Director  
Office of Enforcement

cc:  
Public Document Room (PDR)  
Nuclear Safety Information Center (NSIC)  
Commonwealth of Pennsylvania  
Elaine Cruscenzi, Radiation Safety Officer  
Michael Mullin, Facility Manager

bcc:

- T. Martin, RI
- W. Kane, RI
- K. Smith, RI
- D. Holody, RI
- M. Knapp, RI
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- R. Bellamy, RI
- M. Shanbaky, RI
- T. Darden, RI
- J. Lieberman, OE
- J. Goldberg, OGC
- J. Johansen, OE

OE *[Signature]*  
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