

NOTICE OF VIOLATION

John M. Corboy, M.D., Inc.
Wahiawa, HI 96786

Docket No. 030-14891
License No. 53-18343-01

During an NRC inspection conducted on April 18, 19, 29, and May 2, 1994, 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, the violations are listed below:

- A. License Condition 11 requires that the material listed in Item 6 of the license is authorized for use only by the physicians listed in License Condition 11.

Contrary to the above, licensed material consisting of 95 millicuries of strontium 90 was used on February 15, 1994, March 22, 1994, November 30, 1993, and October 1, 1993, by a physician not listed under License Condition 11.

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

- B. License Condition 12 requires that the transport of licensed material be in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Materials." 10 CFR 71.5(a) requires 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, to comply with the applicable requirements of the regulations appropriate to the mode of transport of DOT in 49 CFR Parts 170-189. 10 CFR 71.9, "Exemption of Physicians" exempts physicians from 10 CFR 71.5 with respect to the transport by a physician provided the physician operating under the exemption is licensed under 10 CFR Part 35.

Contrary to the above, on March 17 and April 15, 1994, licensed material in the form of a 95 millicurie strontium 90 eye applicator was transported between authorized locations of use without regard to 10 CFR 71.5(a) and the exemption requirements of 10 CFR 71.9 were not met in that the individuals transporting the licensed material were not licensed under 10 CFR Part 35.

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

Pursuant to the provisions of 10 CFR 2.201, John M. Corboy, M.D. Inc., 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 IV, and a copy to the Director, Walnut Creek Field Office, Walnut Creek, California 94596-5368, 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 or a Demand for Information 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.

Dated at Arlington, Texas
this 19th day of May 1994