

TMartin WKane
RCooper SShankman
RBellamy JJohansen
PHenderson KSmith
KAbraham MBanerjee
DHolody

CAMEO DIAGNOSTIC CENTRE, INC.
Specialized Medical Imaging and Measurements
155 Maple Street / Springfield, MA 01105
(413) 788-7000

MJC - 12/18/92

December 18, 1992

Lawrence J. Chandler
Assistant General Counsel for
Hearing and Enforcement
U.S. Nuclear Regulatory Commission
Mail Stop 15B18
11555 Rockville Pike
Rockville, Maryland 29852

Re: Docket No. 030-29567
License No. 20-27908-01
EA 92-246

Dear Sir:

This letter is in response to Mr. Hugh Thompson's letter to me dated December 17, 1992.

I swear under the pains and penalties of perjury that the following is true.

A. A complete list of dates on which NRC-licensed radioactive material was used at the new facility in violation of NRC requirements, and the type and amount of radioactive material used on each of those dates.

RESPONSE: A complete list with dates, type and amount of radioactivity is provided in attached papers.

B. The reason that the Licensee's President allowed continued use of NRC-licensed material at a location that was not authorized after being informed, both orally and in writing, that this use was not authorized.

RESPONSE: Why did I continue to do business at 155 Maple Street? Because of sheer stupidity. I honestly and truly believed that Region I officials knew that I relocated to 155 Maple Street, Springfield, Massachusetts and had flexibility in administering the regulations. I had met with Ms. Susan Shankman and Ms. Pamela Henderson at Region I headquarters in King of Prussia, Pennsylvania on October 21,

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1992 to discuss my pending renewal application. I then informed them of my intention to relocate to 155 Maple Street, Springfield, Massachusetts on November 2, 1992. We reviewed plans for the 155 Maple Street location and Ms. Shankman and Ms. Henderson pointed out changes which would be required to conform to regulations. The changes requested were implemented and renewed plans were sent to Ms. Henderson on November 17, 1992 together with a close-out survey (Form 314), dated November 2, 1992, for 110 Maple Street, Springfield, Massachusetts. The premises at 155 Maple Street were constructed in accordance with these revised plans.

I reasoned that since an amendment for address change costs \$1,000 why not include an addendum to the pending license renewal application and save \$1,000. Since there was a short transition time expected (from November 2 to the receipt of a new license) I thought NRC officials would be able to accept that. My sheer stupidity was in not recognizing the gravity of the consequences of my efforts to save \$1,000. That is really and truly the entire basis for this deplorable mess I am now in. In no way was safety compromised since I knew that the premises were constructed in accordance with approved plans and that the same highly qualified staff were working at 155 Maple Street, Springfield, Massachusetts. I should note that the staff consisting of Ms. Patricia Beauchemin and Ms. Mary Dowling are certified in nuclear medicine, mammography and x-ray. In no way was I trying to be a wise guy. In no way did I intend to be deceitful. It was a straightforward misjudgment of the seriousness of failing to properly notify NRC of my move.

C. Why the Licensee's President did not inform the NRC that the Licensee was using licensed material at this new location, either during or after the NRC telephone call of November 12, 1992, and particularly after receiving the NRC letter dated November 13, 1992.

RESPONSE: While I did not specifically note to NRC that I was using radiomaterials at 155 Maple Street, I assumed it was understood. In my November 17 letter to Ms. Henderson, I asked for an addendum to my renewal application

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to change location from 110 Maple Street to 155 Maple Street. I believed it was a reasonable assumption, given that NRC was aware of a request for an address change, and that NRC had in hand a revised floor plan for 155 Maple Street complying with NRC regulations and a close-out survey (Form 314), with a November 2 date, for 110 Maple Street. There was no hanky-panky. It was a straight forward grievous error in making an assumption that should not have been made.

D. Why the Commission should have reasonable assurance that the Licensee and its President will provide complete and accurate information to the Commission and otherwise conduct its activities in accordance with the Commission's requirements in the future.

RESPONSE: NRC may be aware that I established nuclear medicine departments in 19 hospitals in New England over the last 30+ years. The record will show that those hospitals I consulted for did operate within AEC and NRC rules which was my responsibility. On the basis of that record plus my present (painful) awareness of the strictness of NRC rules, it (NRC) can be confident that accurate and complete information, now and in the future, will be given to NRC.

E. Why NRC License No. 20-27908-01 should not be modified, suspended or revoked in light of the actions by the Licensee's President to use NRC-licensed material at a location that was not authorized on the NRC license, notwithstanding the oral and written notification from the NRC that this activity was prohibited.

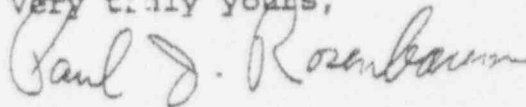
RESPONSE: I have learned my lesson. As I write this letter the viability of Cameo Diagnostic Centre hangs by a thin hair if operations cannot commence on December 21. My amendment application with \$1,000 fee for address change was shipped overnight December 11. Ms. Shankman advised me on December 11, 1992 that my address change could be processed within twenty-four hours if I agreed not to use regulated materials at 155 Maple Street until that approval process was completed. In fact, regulated materials have not been used at 155 Maple Street since our December 11 conversation and my business has been effectively stopped. I plead with

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you to keep this business alive. If we remain alive, NRC has 100% assurance that I will comply with NRC rules in every facet of our operations. Never will NRC have cause to question the truthfulness of our completeness of any information provided to NRC. After all, my very livelihood depends on so doing.

It is for all the above reasons that I believe NRC should lift the restrictions it placed on my supplier and permit Cameo Diagnostics to operate at 155 Maple Street, Springfield, Massachusetts.

Very truly yours,



Paul J. Rosenbaum

PJR/kml

cc: ✓ Tim Martin, Region I Regional Director
James Lieberman, Director, Office of Enforcement
Hugh L. Thompson, Jr., Deputy Executive Director for
Nuclear Materials Safety, Safeguards and Operations Support

ATTACHMENT A

November 3, 1992	-	Tc99m	400uCi
November 4, 1992	-	Tc99m	400uCi
November 5, 1992	-	Tc99m	22mCi
		Tc99m	22mCi
		I123	200uCi
		Tc99m	22mCi
November 6, 1992	-	Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	10mCi
		Tc99m	22mCi
November 9, 1991	-	Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
		In111	500uCi
November 10, 1992	-	Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
November 11, 1992	-	Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	10mCi
November 12, 1992	-	Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
November 13, 1992	-	Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
November 16, 1992		Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
		I123	300uCi
		I123	100uCi
November 17, 1992	-	Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	10mCi
		Tc99m	10mCi
		Tc99m	10mCi
		Tc99m	10mCi
November 18, 1992	-	In111	500uCi
		Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
		I123	200uCi

November 19, 1992	-	Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	10mCi
		Tc99m	10mCi
		Tc99m	10mCi
		Tc99m	22mCi
		Tc99m	22mCi
November 20, 1992	-	Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	10mCi
November 23, 1992	-	Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
		I123	200uCi
November 25, 1992	-	Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	25mCi
November 25, 1992	-	Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	10mCi
November 30, 1992	-	Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	10mCi
		Tc99m	10mCi
		Tc99m	22mCi
		Tc99m	22mCi
December 1, 1992	-	Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	5mCi
		I123	300uCi
		Tc99m	22mCi
		Tc99m	22mCi
December 2, 1992	-	Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	10mCi
		Tc99m	10mCi
		Tc99m	22mCi
December 3, 1992	-	Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	10mCi
		Tc99m	22mCi
		Tc99m	22mCi
		In111	500uCi

December, 4, 1992	-	Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
December 7, 1992	-	Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
December 8, 1992	-	Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	10mCi
		Tc99m	10mCi
		Tc99m	22mCi
		Tc99m	22mCi
December 9, 1992	-	Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
December 10, 1992	-	Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
		Tc99m	22mCi
December 11, 1992	-	I123	200uCi
		Tc99m	22mCi
		Tc99m	10mCi
		Tc99m	22mCi
		Tc99m	22mCi

Allegation Receipt Report
(Use also for staff suspected wrongdoing)

Pg 1 of 2

Date/Time Received: * 11/20/92 / 3:00 pm Allegation No. RI 92-A 0259
(leave blank)

Name of Allegor: * _____ Address: * _____

Phone: * _____ City/State/Zip: * _____

Confidentiality: *
Was it requested? Yes _____ No _____
Was it initially granted? Yes _____ No _____
Was it finally granted by the allegation panel? Yes _____ No _____
Does a confidentiality agreement need to be sent to allegor? Yes _____ No _____
Has a confidentiality agreement been signed? Yes _____ No _____
Memo documenting why it was granted is attached? Yes _____ No _____

Allegor's Employer: * _____ Allegor's Position/Title: * _____

Facility: Cameo Diagnostic Centre, Inc Docket No.: 030 - 29567

Allegation Summary or staff suspected wrongdoing (brief description of concern(s):
Cameo Diagnostic Centre has been using material at a location other than that authorized by license.

Number of Concerns: 1

Employee Receiving Allegation or suspecting wrongdoing (first two initials and last name):
R.L. Fuhrmeis for

Type of Regulated Activity (a) Reactor (d) Safeguards
(b) Vendor (e) Other: _____
(c) Materials (Specify)

Materials License No. (if applicable): 20-27908-01

Functional Area(s):
 (a) Operations (e) Emergency Preparedness
 (b) Construction (f) Onsite Health and Safety
 (c) Safeguards (g) Offsite Health and Safety
 (d) Transportation (h) Other: unlicensed activity

* These sections are not completed for instances of potential wrongdoing identified by NRC staff.

Detailed Description of Allegation or staff suspected wrongdoing: _____

During an ~~inspection~~^{telephone inquiry} at SYCOR, it was determined that material was being shipped to Cameo Diagnostic Centre at an address which was not an authorized location on the license. When contacted, the president of Cameo refused to stop using the material at the unlicensed location.

SAMPLE RECORD OF ALLEGATION PANEL DECISIONS

SITE: CAMED DIAGNOSTICS

PANEL ATTENDEES:

ALLEGATION NO.: RI 92-A-0259

Chairman - Cooper

DATE: 16 DEC 92 (Panel No. 1 2 3 4 5)

Branch Chief - Beltamy

PRIORITY: High Medium Low

Section Chief (AOC) -

CONCURRENCE TO CLOSEOUT: DD BC SC

Sr. Allegation Coord (SAC) Fuhrmeister

OI Representative - Walsh

CONFIDENTIALITY GRANTED: Yes No

(Other) Shankman

(See Allegation Receipt Report)

IS THERE A HARASSMENT/DISCRIMINATION ISSUE:

Yes No

IF YES,

- 1) has the individual been informed of the DOL process and the need to file a complaint within 30 days
- 2) has the individual filed a complaint with DOL
- 3) has a letter been sent to the complainant seeking any safety concerns

Yes No

Yes No

Yes No

IS A CHILLING EFFECT LETTER WARRANTED: IF YES, HAS IT BEEN SENT

Yes No
Yes No

HAS THE LICENSEE RESPONDED TO THE CHILLING EFFECT LETTER:

Yes No

ACTION: (State each specific action, including acknowledgment letter, as well as responsibility and ECD) RESP ECD

1) OI to open a case and evaluate need to investigate OI:RITD

2) _____

3) _____

4) _____

5) _____

NOTES: Information was solicited from SYUCOR based upon
CAMEO requesting license amendment and not following up through
on it.

A L L E G A T I O N M A N A G E M E N T S Y S T E M

ALLEGATION NUMBER - RI-92-A-0259

RUN DATE: 01/27/93

DOCKET/FACILITY/UNIT: 03029567 / CAMEO DIAGNOSTIC CTR., INC. /
DOCKET/FACILITY/UNIT: / /
DOCKET/FACILITY/UNIT: / /
DOCKET/FACILITY/UNIT: / /

ACTIVITY TYPES - MATERIALS
 NMSS, MEDICAL DIAGNOSIS

MATERIAL LICENSES - 20-27908-01

FUNCTIONAL AREAS - OPERATIONS
 OTHER

SUSPECTED WRONGDOING

DESCRIPTION - CAMEO DIAGNOSTIC CENTRE INC. HAS BEEN USING MATERIAL AT A
 LOCATION OTHER THAN THAT AUTHORIZED ON ITS LICENSE. A LI-
 CENSE AMENDMENT WAS REQUESTED, NEVER FOLLOWED THROUGH. DRSS
CONCERNS - CONTACTED SYNCOR (RADIOPHARMACEUTICAL SUPPLIER) WHO CONFIRME
 1 SHIPMENTS TO AN ADDRESS (NOT LISTED ON LICENSE). WHEN
 CONTACTED, LICENSEE ADMITTED USING MATERIAL, REFUSED TO STOP
 UNTIL HAD LICENSE AMENDMENT.

SOURCE - NRC STAFF

CONFIDENT - NO

RECEIVED - 921211 BY - RI STAFF / RI

ACTION OFFICE CONTACT - MM SHANBAKY

RESPONSIBLE PGM OFFICE - R VIOLATION SECTION 210 ALLEGED - NO

STATUS - OPEN SCHED COMPLETION - 930531 DATE CLOSED -

ALLEGATION SUBSTANTIATED - ALLEGER NOTIFIED -

OI ACTION - OI REPORT NUMBER -

REMARKS - SYNCOR AND LICENSEE CONTACTED 11DEC92. SYNCOR WAS REQUESTED
 TO NOT SEND ADDITIONAL MATERIAL TO LICENSEE, THEY AGREED.
 PANEL MET 16DEC92. ORDER IN PREPARATION. OI IS OPENING A
 CASE ON THIS.

SUPPORT OFFICE: NMS-A

ACTION PENDING: EVALUATE NEED TO INVESTIGATE (OI:RI)

DOCUMENTATION:

ALLEGER LAST CONTACTED: N/A

REFERENCE:

KEYWORD: WILLFUL VIOLATION, UNLICENSED ACTIVITY SS:U

ENTERED SYSTEM - 921217 CLOSED SYSTEM -

RECORD CHANGED - 921217

B/4