

JUN 3 1997

Docket No. 030-01879
EA No. 97-170

License No. 20-05766-02

Herbert Mower, Sc.D.
Radiation Safety Officer
Lahey Clinic Foundation
41 Mall Road
Burlington, Massachusetts 01805

SUBJECT: INSPECTION NO. 030-01879/97-001

Dear Dr. Mower:

This refers to your facsimile dated May 27, 1997, in response to our letter dated April 24, 1997. Our letter described the results of a special NRC inspection conducted at your facility on March 19, 1997, and offered you the opportunity to either respond to the apparent violations identified in the inspection report enclosed with our letter or request a predecisional enforcement conference. In your May 27 facsimile you requested a conference.

We have scheduled a predecisional enforcement conference for 10:00 a.m. on Thursday, June 19, 1997, in the NRC Region 1 Public Meeting Room. The conference will be open to observation by members of the public. The decision to hold a predecisional enforcement conference does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference is being held to obtain information to enable the NRC to make an enforcement decision, such as a common understanding of the facts, root causes, missed opportunities to identify the apparent violation sooner, corrective actions, significance of the issues and the need for lasting and effective corrective action. In addition, this is an opportunity for you to point out any errors in our inspection report and for you to provide any information concerning your perspectives on 1) the severity of the violations, 2) the application of the factors that the NRC considers when it determines the amount of a civil penalty that may be assessed in accordance with Section VI.B.2 of the Enforcement Policy, and 3) any other application of the Enforcement Policy to this case, including the exercise of discretion in accordance with Section VII. A copy of the NRC's Enforcement Policy (NUREG-1600) was enclosed with our April 24, 1997 letter. In presenting your corrective action, you should be aware that the promptness and comprehensiveness of your actions will be considered in assessing any civil penalty for the apparent violations. The guidance in the enclosed NRC Information Notice 96-28, "SUGGESTED GUIDANCE RELATING TO DEVELOPMENT AND IMPLEMENTATION OF CORRECTIVE ACTION," may be helpful.

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H. Mower
Lahey Clinic Foundation

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Directions to the Region 1 Office in King of Prussia, Pennsylvania are enclosed. No response to this letter is required. You will be advised by separate correspondence of the results of our deliberations on this matter.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

Sincerely,

**ORIGINAL SIGNED BY:
A. RANDOLPH BLOUGH**

A. Randolph Blough, Director
Division of Nuclear Materials Safety

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Enclosures:

- (1) NRC Information Notice 96-28
- (2) Directions to the Region 1 Office

cc w/o enclosure:
Commonwealth of Massachusetts

H. Mower
Lahey Clinic Foundation

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