

NOV 14 1997

Docket No. 030-34190
EA No. 97-500

License No. 29-30322-01

Terrance C. Lee, M.D., President and
Radiation Safety Officer
Mobile Dynamic Imaging, Inc.
16 South Van Brunt Street
Englewood, New Jersey 07631

SUBJECT: INSPECTION NO. 030-34190/97-002

Dear Dr. Lee:

This refers to the inspection conducted on October 16, 1997 at the above location. The purpose of the inspection was to determine whether activities authorized by the license were conducted safely and in accordance with NRC requirements. The enclosed report presents the results of this inspection. At the conclusion of the inspection, the findings were discussed with you and those members of your staff identified in the enclosed report.

Based on the results of this inspection, five apparent violations were identified and are being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG 1600. These include; 1) unauthorized use of licensed material, 2) failure to perform dose calibrator accuracy test at installation and prior to dose administration, 3) failure to perform dose calibrator geometry dependence test at installation and prior to dose administration, 4) failure to perform dose calibrator linearity test at installation and prior to dose administration, and 5) failure to notify NRC Region I prior to commencement of licensed activities. Accordingly, no Notice of Violation is presently being issued for these inspection findings. In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review.

A closed, predecisional enforcement conference to discuss these apparent violations has been scheduled for Wednesday, November 26, 1997 at 1:00 pm. This conference will be transcribed. 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

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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. 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.

You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding these apparent violations is required at this time.

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,

A. Randolph Blough, Director
Division of Nuclear Materials Safety

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Enclosures:

1. Inspection Report No. 030-34190/97-002
2. NUREG 1600 (Enforcement Policy)
3. NRC Information Notice 96-28

cc w/enclosure 1:
State of New Jersey

T. C. Lee, M.D.

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Distribution: w/enclosure 1

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