



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

December 16, 2005

Docket No. 03002512

License No. 29-08285-01

Jeffrey Yarmel
Chief Operating Officer
The Cooper Health System
Robert Wood Johnson Medical School
One Cooper Plaza
Camden, NJ 08103

SUBJECT: INSPECTION 03002512/2005001, THE COOPER HEALTH SYSTEM, ROBERT WOOD JOHNSON MEDICAL SCHOOL, CAMDEN, NEW JERSEY AND NOTICE OF VIOLATION

Dear Mr. Yarmel:

On October 17 through December 8, 2005, Sandy Gabriel of this office conducted an in-office inspection at the above address of activities authorized by the above listed NRC license. The inspection was limited to a review of the 1999 transfer of depleted uranium shielding in two Varian Model Clinac 4 linear accelerators. The findings of the inspection were discussed with Edward Goldschmidt of your organization at the conclusion of the inspection.

Based on the results of this inspection, it appears that your activities were not conducted in full compliance with NRC requirements. A Notice of Violation is enclosed that categorizes the violation by severity level. The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed on the docket in Appendix B of the license renewal application dated April 28, 2005, and in the letter dated December 8, 2005. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

Current NRC regulations are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, industrial, and academic uses of nuclear material**; then **toolkit index page**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **What We Do, Enforcement**, then **Enforcement Policy**. Or you may obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays).

J. Yarmel
The Cooper Health System

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Your cooperation with us is appreciated.

Sincerely,

Original signed by Pamela J. Henderson

Pamela J. Henderson, Chief
Medical Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
Edward J. Goldschmidt, Jr., M.S., Radiation Safety Officer
State of New Jersey

J. Yarmel
The Cooper Health System

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NOTICE OF VIOLATION

The Cooper Health System
Camden, NJ

Docket No. 03002512
License No. 29-08285-01

During an NRC inspection conducted on October 17 through December 8, 2005, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 40.61(a)(2) requires, in part, that each person who receives source material pursuant to a license issued pursuant to the regulations in this part shall keep the records showing the transfer or disposal of this source material until the Commission terminates each license that authorizes the activity that is subject to the recordkeeping requirement.

Contrary to the above, the licensee received source material, but did not keep a record of the transfer or disposal of the source material. Specifically, the licensee received depleted uranium shielding in two Varian Model Clinac 4 linear accelerators. The licensee transferred the source material in 1999 to a recipient in the State of Texas. Texas regulations do not require a specific license for possession of depleted uranium in linear accelerators. The licensee did not retain a record of the transfer and the license had not been terminated by the Commission.

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

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance will be achieved is already adequately addressed on the docket. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated This 16 day of December 2005