

U.S. Nuclear Regulatory Commission
Office of Public Affairs, Region II
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NRC STAFF PROPOSES \$5,000 FINE AGAINST PHYSICIAN IN PUERTO RICO

OFFICIALS SAY VIOLATION IS OF SIGNIFICANT REGULATORY CONCERN

The Nuclear Regulatory Commission staff has proposed a \$5,000 civil penalty against Dr. Jose N. De Leon in Isla Verde, Puerto Rico for noncompliance with NRC requirements during the use of radioactive strontium-90 applicators in the treatment of eye patients.

In a letter to Dr. De Leon dated April 28, Luis A. Reyes, administrator of the NRC's Region II office in Atlanta, said the civil penalty was being proposed because calculation errors used to determine proper treatment time led to misadministrations of radiation dose to nine patients. Reyes said this was of significant regulatory concern to the NRC because each patient received about twice as much radiation exposure to the eye as intended, which slightly increased the possibility of future adverse consequences such as cataracts. (Each received a dose of about 4,000 centigrays instead of the intended dose of approximately 2,000 centigrays.)

Reyes also said in the letter that, in addition to misadministration of radiation doses to nine patients at the doctor's facility, the physician was responsible for 14 additional misadministrations at a local hospital. Although the physician was an authorized user on the hospital's license, he had been previously informed by the hospital that strontium-90 use was no longer permitted at the facility under the hospital's NRC license.

The NRC said Dr. De Leon has indicated intent to discontinue future use of strontium-90 eye applicators and that the agency will consider withdrawing the proposed civil penalty if disposal or transfer of the licensed material is properly done in accordance with existing regulations.

An NRC inspector noted the violations during an inspection at the doctor's Isla Verde facility on December 11, 1997, and an open, predecisional enforcement conference was held there on March 28 of this year.

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