



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION V

1460 MARIA LANE, SUITE 210
WALNUT CREEK, CALIFORNIA 94606-5388

NOV 2 1989

Docket No. 030-30919
License No. 53-23290-01
EA 89-160

Dennis I. Maehara, M.D., Inc.
1010 South King Street, Suite 701
Honolulu, Hawaii 96814

Gentlemen:

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY - \$250
(NRC INSPECTION REPORT NOS. 030-30919/89-01, 89-02)

This letter refers to an inspection conducted on July 10 and 14, 1989, of activities authorized by NRC License No. 53-23290-01. The results of the inspection were reported in NRC Inspection Report No. 030-30919/89-01, dated August 11, 1989. Several significant violations of NRC requirements were identified during this inspection. The apparent violations, their causes, and your corrective actions were discussed with you during an Enforcement Conference on August 21, 1989. The results of the Enforcement Conference were documented in Inspection Report No. 89-02, dated September 28, 1989.

The violations are described in the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice). The violations set forth in Section I of the enclosed Notice involve an overexposure to the fingertip of a physician. The overexposure occurred on May 10, 1989 because the physician sterilized the treatment end of a strontium-90 eye applicator on six separate occasions by touching its surface with alcohol swabs which he held in his hand, in violation of written safety procedures of which he was aware.

The violations in Section II involve failure to survey, maintain leak test records, use shipping papers and post or identify required NRC documents.

The violations in Section I demonstrate inadequate training and knowledge required to safely use the eye applicator. This resulted in an overexposure to a small shallow area of the skin of approximately 51 rem (more than two and one-half times the allowable quarterly limit). Had it not been for the NRC inspection, which occurred five months after your license was first issued, the cumulative extremity exposure would likely have been considerably higher because the physician believed the alcohol swab was of sufficient thickness to protect his finger from the radiation emitted by the strontium-90 source. These violations are of particular concern since they were identified during our initial inspection of your facility.

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RETURN RECEIPT REQUESTED

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To emphasize the need to follow the step-by-step safety procedures for the use of the applicator, I have been authorized, after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$250 for the violations described in Section I of the enclosed Notice. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions", 10 CFR Part 2, Appendix C (1989) (Enforcement Policy), the violations described in Section I of the enclosed Notice have been categorized in the aggregate as a Severity Level III problem. The violations in Section II have been categorized at Severity Levels IV and V.

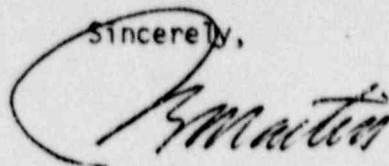
The base value of a civil penalty for a Severity Level III problem is \$500. The escalation and mitigation factors in the Enforcement Policy were considered, and a reduction of 50% has been deemed appropriate due to licensee's prompt and extensive corrective actions which included a commitment to voluntarily discontinue use of the medical (eye) applicator until the physician had received additional training in the radiological hazards and proper use of the applicator. Other escalation and mitigation factors were not applicable.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC requirements.

In accordance with section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Publication No. 96-511.

Sincerely,



John B. Martin
Regional Administrator

Enclosure:
Notice of Violation and
Proposed Imposition of Civil Penalty

Dennis I. Maehara, M.D., Inc.

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