

DCS

October 12, 1990

Docket Nos. 030-01326 and 030-12537  
License Nos. 08-04289-06 and 08-04289-08  
EA 90-081

Government of the District of Columbia  
District of Columbia General Hospital  
ATTN: Lawrence Johnson, M.D.  
Medical Director  
19th Street and Massachusetts Avenue, S.E.  
Washington, D.C. 20003

Gentlemen:

Subject: NOTICE OF VIOLATION

Enclosed is a Notice of Violation based on the willful falsification, by a former D.C. General Hospital Medical Physicist, of the May 1988 Monthly Spot Check Report of the teletherapy unit, and willful false statements made by the individual to an NRC inspector during an inspection conducted on June 6, 1988 at your facility and to an NRC investigator during a subsequent investigation. Although the individual denied, during the NRC investigation and during an enforcement conference on December 6, 1989, that he falsified the record or made false statements to the inspector, the preponderance of evidence obtained during the inspection, investigation, and enforcement conference indicates that these actions nonetheless occurred. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Action," 10 CFR Part 2, Appendix C, (1988), the violation is classified at Severity Level III.

Although a civil penalty is normally issued for a Severity Level III violation, I have decided, after consultation with the Commission, to exercise broad discretion and not issue a civil penalty in this case because: (1) the Medical Physicist is no longer in your employ; (2) the teletherapy unit is no longer possessed by the hospital and your license for teletherapy has been terminated; (3) you were very responsive to the NRC's request for interim corrective action after the June 6, 1988, inspection; and (4) you cooperated fully with the NRC investigation. The fact that a civil penalty is not being proposed in this case should not diminish the significance of the violation. When the NRC issues a license, it is expected and required that the licensee, as well as its employees and contractors, be completely candid and honest in all of their dealings with the NRC and insure that any submittal of written or oral information involving NRC-licensed activities is complete and accurate. This trust and confidence has been significantly degraded by the communication of your former Medical Physicist. You should be aware that, if he had still been employed at your facility, NRC would have considered the issuance of an Order to prohibit that individual from any further involvement in NRC-licensed activities.

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The NRC regulatory framework requires reasonable assurance that licensees will maintain and provide complete and accurate information concerning licensed D.C. General Hospital activities. In this and other regards, licensees are held responsible for the acts of their employees at all levels. Therefore, you should recognize, and so inform your employees, that similar occurrences may result in significant enforcement action, including civil penalties and actions affecting individuals, as well as modification or suspension of your license.

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 in your other activities. 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 regulatory requirements.

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

The responses directed by 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, Pub. L. 96-511.

Sincerely,

Original Signed By:  
Thomas T. Martin

Thomas T. Martin  
Regional Administrator

Enclosure: Notice of Violation

cc:  
Public Document Room  
District of Columbia

Mr. G. Chughtai  
c/o Mr. Irving Kator, Esq.  
Kator, Scott & Heller  
Suite 950  
1275 16th Street, N.W.  
Washington, D.C. 20005-4006

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