



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

JAN 18 1994

Docket No. 030-09792  
License No. 13-02752-08  
EA 93-111

Indiana University School  
of Medicine  
IUPUI Administration AO 104B  
ATTN: Chancellor Gerald L. Bepko  
355 North Lansing Street  
Indianapolis, IN 46202-2896

Dear Chancellor Bepko:

SUBJECT: ORDER IMPOSING CIVIL MONETARY PENALTY - \$5,000

This refers to your letter dated October 29, 1993, in response to the Notice of Violation and Proposed Imposition of Civil Penalty (Notice) sent to you by our letter dated October 7, 1993. Our letter and Notice describes a violation identified during an NRC inspection conducted on December 14, 1992, through January 13, 1993.

To emphasize the importance of adequate implementation of the quality management program for teletherapy administrations, a civil penalty of \$5,000 was proposed.

In your response, you challenge the validity of the cited violation. Further, you take exception to the NRC Staff's application of the civil penalty adjustment factors in the areas of identification and licensee performance.

After consideration of your response, we have concluded, for the reasons given in the Appendix attached to the enclosed Order Imposing Civil Monetary Penalty, that an adequate basis has not been provided for retraction of the violation or mitigation of the civil penalty. Accordingly, we hereby serve the enclosed Order on the Indiana University School of Medicine imposing a civil monetary penalty in the amount of \$5,000. We will review the effectiveness of your corrective actions during a subsequent inspection.

You expressed concern that the violation described in the Notice was different than the apparent violations presented at the enforcement conference. One purpose of an enforcement conference is to fully understand the facts of a case during the NRC's

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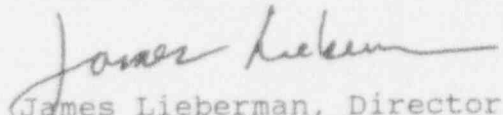
deliberations. During this process, the apparent violations are subject to change in number, severity level, and requirement cited.

You also expressed concern that a press release was issued with the proposed enforcement action. The NRC places enforcement actions with proposed civil penalties in the NRC Public Document Room and issues a press release consistent with NRC practices for keeping the public informed of regulated activities.

Your letter of October 29, 1993 notes that your Quality Management program has been revised to include an independent check of teletherapy calculations prior to the initiation of treatments of four fractions or less except in the case of emergency treatments. As noted in the Appendix to the Order, an independent review is especially important during times when procedures are more subject to error, such as emergency treatments. Regulatory Guide 8.33, "Quality Management Program", Section C.2.8, recommends an independent check by a qualified person such as a radiation therapy physicist, oncology physician dosimetrist or radiation therapy technologist *whenever possible*. Please provide in writing along with your reply to the enclosed Order, a statement indicating whether or not an independent check by such an individual is possible in the case of emergency treatments and indicating whether or not you have modified your QMP to require this independent check in the case of emergency treatments.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and the enclosure will be placed in the NRC's Public Document Room.

Sincerely,

  
James Lieberman, Director  
Office of Enforcement

Enclosure: As stated

cc w/enclosure:  
Indiana State Board of Health  
Mack Richard, Radiation Safety Officer,  
Indiana University School of Medicine  
DCD/DCB (RIDS)