

DES

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Miami Valley Hospital, Dayton, Ohio (EA 93-288)
Docket No. 030-02643

Subject: PROPOSED IMPOSITION OF CIVIL PENALTY - \$2,500

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$2,500 will be issued on or about February 23, 1994 to Miami Valley Hospital, Dayton, Ohio. This action is based on the failure of an authorized physician user to wear disposable gloves while administering a therapeutic radiopharmaceutical to a patient at the patient's home. The NRC staff categorized the violation at Severity Level III because it involved careless disregard. The physician was aware that he did not bring gloves with him but proceeded with the injection without making an effort to determine what was required and how compliance could be achieved. The physician contaminated his finger and received an extremity overexposure. While the base civil penalty could have been mitigated because of the licensee's corrective action and prior enforcement history, the NRC staff chose not to do so as an exercise of discretion permitted under the Enforcement Policy in order to emphasize the unacceptability of the willful violation. The overexposure and other related violations, including use of radioactive material at an unauthorized location (the patient's home), are cited in the Notice but were not assessed a civil penalty.

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Notice February 28, 1994
Telephone Notification of Licensee February 28, 1994

The State of Ohio will be notified.

The licensee has thirty days from the date of the Notice in which to respond. Following NRC evaluation of the response, the civil penalty may be remitted, mitigated, or imposed by Order.

Contact: J. DelMedico, OE, 504-2739 J. Lieberman, OE, 504-2741

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PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION

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