

NOTICE OF VIOLATION

AND

PROPOSED IMPOSITION OF CIVIL PENALTIES

Blanchard Valley Hospital
Wallace Street
Findlay, OH 45830

License No. 34-06295-03
EA 82-89

As a result of a report from the licensee on April 6, 1982, and a special inspection conducted on April 19, 1982, it appears that an individual received a whole body dose of 9.71 rems while manually closing the shutter of a cobalt-60 teletherapy unit after the shutter failed to close automatically. Although the licensee was required to report the occurrence to the NRC within 24 hours, it was not reported until 9-1/2 months later.

In order to emphasize the responsibility of licensees to properly control their licensed programs, NRC proposes to impose civil penalties in the cumulative amount of One Thousand Dollars. In accordance with the NRC Enforcement Policy (10 CFR Part 2, Appendix C) 47 FR 9987 (March 9, 1982), and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended ("Act"), 42 U.S.C. 2282, PL 96-295, and 10 CFR 2.205, the particular violations and the associated civil penalties are set forth below:

- A. 10 CFR 20.101(a) limits the whole body radiation dose to any individual in a restricted area to 1-1/4 rems per calendar quarter, except as provided by 10 CFR 20.101(b). Paragraph (b) permits a whole body dose of 3 rems per calendar quarter provided certain specified conditions are met.

Contrary to the above, during the second quarter of 1981, an individual in a restricted area received a whole body dose of 9.71 rems. The principal exposure occurred when an individual attempted to manually close the shutter of a cobalt-60 teletherapy unit after the shutter failed to close automatically.

This is a Severity Level II violation (Supplement IV).
(Civil Penalty - \$500)

- B. 10 CFR 20.403(b) requires each licensee to notify, within 24 hours, by telephone and telegraph, mailgram, or facsimile, the Director of the appropriate NRC Regional Office of any incident involving licensed material possessed by him and which may have caused or threatens to cause: (1) exposure of the whole body of any individual to 5 rems or more of radiation; or (2) a loss of 1 day or more of the operation of any facilities affected.

Contrary to the above, on June 22, 1981 a malfunctioning teletherapy unit resulted in an individual receiving a whole body dose of 9.71 rems. In addition, the malfunction resulted in a loss of 3 days of operation of the unit. However, the licensee did not report the incident to NRC until April 6, 1982, approximately 9-1/2 months after the incident occurred.

Notice of Violation

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This is a Severity Level II violation (Supplement IV).
(Civil Penalty - \$500)

Pursuant to the provisions of 10 CFR 2.201, Blanchard Valley Hospital is hereby required to submit to the Director, Office of Inspection and Enforcement, USNRC, Washington, DC 20555, and a copy to the Regional Administrator, USNRC, Region III, within 30 days of the date of this Notice, a written statement or explanation in reply, including for each alleged violation: (1) admission or denial of the alleged violation; (2) the reasons for the violation, if admitted; (3) the corrective steps that have been taken and the results achieved; (4) the corrective steps that will be taken to avoid further violations; and (5) the date when full compliance will be achieved. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required above under 10 CFR 2.201, Blanchard Valley Hospital may pay the civil penalties in the amount of One Thousand Dollars or may protest imposition of the civil penalties in whole or in part by a written answer. Should Blanchard Valley Hospital fail to answer within the time specified, the Director, Office of Inspection and Enforcement, will issue an order imposing the civil penalties in the amount proposed above. Should Blanchard Valley Hospital elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalties, such answer may: (1) deny the violations listed in this Notice in whole or in part; (2) demonstrate extenuating circumstances; (3) show error in this Notice; or (4) show other reasons why the penalties should not be imposed. In addition to protesting the civil penalties in whole or in part, such answer may request remission or mitigation of the penalties. In requesting mitigation of the proposed penalties, the five factors contained in Section IV(B) of 10 CFR Part 2, Appendix C should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. Blanchard Valley Hospital's attention is directed to the other provisions of 10 CFR 2.205 regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty due, which has been subsequently determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282.

FOR THE NUCLEAR REGULATORY COMMISSION

Albert D. Keppler
for James G. Keppler
Regional Administrator

Dated at Glen Ellyn, Illinois
this 26 day of July 1982