

DCS



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

FEB 19 1991

Docket No. 030-03465
License No. 48-09843-18
EA 90-098

University of Wisconsin - Madison
ATTN: Mr. Jay Noren, M.D., M.P.H.
Vice Chancellor for Health
Services
707 WARF Building
610 Walnut Street
Madison, Wisconsin 53705

Dear Dr. Noren:

I am responding to your letter of January 23, 1991, enclosing payment of the \$7,500 civil penalty imposed by the NRC Order dated December 28, 1990. In your letter you state that you cannot accept the NRC's conclusion that the University had not identified the first example of Violation I.A prior to the NRC inspection. You made three points regarding Violation I.A:

1. You reconfirmed the accuracy of the answer previously submitted by the University regarding your identification of the violation.
2. The physicist in charge of the High Dose-Rate Afterloader (HDR) who identified the problem was never asked about the incident by the NRC inspectors.
3. The University was willing to provide the NRC with an affidavit from the supervising physicist attesting to the University's identification of Violation I.A as well as a memorandum he sent to the staff reminding them that a trained operator must be present during HDR treatment.

We recognize that the University's answer was certified to be true and accurate. This matter had been previously discussed with members of your staff during the inspection and later by telephone with the nurse who was involved in the incident described in Violation I.A. The Radiation Safety Officer (RSO) was unaware the event had occurred and the nurse was not aware that corrective actions had been taken. We would have expected an event of this significance would have been discussed with the RSO. In addition, had effective corrective action been taken, we would have expected the staff to be aware of those actions. This matter was again discussed with our inspectors and both individuals recall having asked the supervising physicist if other incidents had occurred and he responded they had not.

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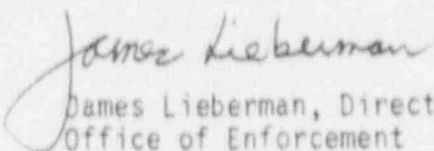
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We also acknowledge your statements in regard to Violation 1.B concerning the requirement for independent verification by the dosimetrist and the physicist who enter the treatment plan. As stated in the Appendix to the December 28, 1990 Order, we determined that three of the four dosimetrists who prepare HDR treatment plans were, by their own admission, not qualified to prepare these plans on their own. Therefore, we concluded in those cases that the physicists were providing assistance in preparing the plans rather than performing independent verifications.

Normally since you paid the civil penalty on January 23, 1991, we would consider this matter closed. In our view, you have had sufficient opportunity to provide relevant information to the Commission. However, since you have indicated you can supply additional information that will support your position, we will not make a final decision on the violation pending receipt of that information. Please submit it to me under oath or affirmation within 30 days.

As to your actions to prevent recurrence of the cited problems, they will be examined during future inspections of your licensed program.

Sincerely,


James Lieberman, Director
Office of Enforcement

cc: Donna Shalala, Chancellor
University of Wisconsin -
Madison
David Drummond
Kathleen S. Irwin
Bruce Thomadsen

University of Wisconsin - Madison

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