



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

MAY 23 1994

Docket No. 030-02643  
License No. 34-00341-06  
EA 93-288

Miami Valley Hospital  
ATTN: Mr. Mark Shaker  
Vice President for  
Hospital Operations  
1 Wyoming Street  
Dayton, Ohio 45409

Dear Mr. Shaker:

SUBJECT: ORDER IMPOSING CIVIL MONETARY PENALTY - \$2,500

This refers to your letter dated March 28, 1994, in response to the Notice of Violation and Proposed Imposition of Civil Penalty (Notice) sent to you by our letter dated March 1, 1994. Our letter and Notice described seven violations of NRC requirements. One violation, involving an extremity overexposure to a physician authorized user, was categorized at Severity Level III because the physician either knew or should have known that the use of gloves was required; and the use of gloves would have prevented the overexposure to the physician's hand. This failure on the part of the physician constituted a willful violation involving careless disregard as those terms are used in the "Statement of Policy and Procedure for NRC Enforcement Actions", (Enforcement Policy) 10 CFR Part 2, Appendix C.

To emphasize the unacceptability of a willful violation and the need for knowledge of, and strict adherence to, NRC regulations and the conditions of the NRC license, a civil penalty in the amount of \$2,500 was proposed for the violation. A civil penalty was not proposed for any of the other six violations.

In your response you admitted that the violation occurred and requested that the civil penalty be mitigated for the reasons set forth in your response, as summarized in the Appendix attached to the enclosed Order.

After consideration of your response, we have concluded for the reasons given in the Appendix attached to the enclosed Order Imposing a Civil Monetary Penalty that the violation occurred and that an adequate basis was not provided for changing the characterization of the violation as willful or for mitigating the amount of the civil penalty. Accordingly, we hereby serve the enclosed Order on Miami Valley Hospital imposing a civil monetary penalty in the amount of \$2,500. We will review the effectiveness of your corrective actions during a subsequent inspection.

Payment should be made within 30 days of the date of this Order, by check, draft, money order, or electronic transfer, payable to the Treasurer of the United States and mailed to Mr. James Lieberman, Director, Office of

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Miami Valley Hospital

- 2 -

Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk,  
Washington, D.C. 20555.

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

Sincerely,



Hugh L. Thompson, Jr.  
Deputy Executive Director  
for Nuclear Materials Safety,  
Safeguards and Operations Support

Enclosures: As Stated