

DCS

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: X-Ray Treatment Center, P.C. (EA 93-248)
Eastpointe, Michigan
Docket No. 030-17899

Subject: PROPOSED IMPOSITION OF CIVIL PENALTY - \$1,250

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty will be issued on or about May 13, 1994 to X-Ray Treatment Center, P.C., Eastpointe, Michigan. This action is based on a programmatic weakness in the implementation of the licensee's medical quality management (QM) program, which has been categorized as a Severity Level III problem. The failure to follow QM procedures led to a teletherapy misadministration. Mitigation was allowed for the licensee's good performance as noted by previous NRC inspections; however, the base civil penalty was escalated because the licensee's corrective actions at the time of the enforcement conference did not address the full extent of the problem. Given the potential hazards associated with teletherapy and to provide a more appropriate deterrence value by taking into consideration the licensee's ability to pay, the staff based the civil penalty in this case on Section h of Table 1 A of the Enforcement Policy rather than Section j. This is consistent with the Enforcement Policy, Sections III(2) and VI.B(1), which provide latitude to the staff to increase or decrease a civil penalty on a case by case basis after considering the licensee's ability to pay.

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 May 13, 1994
Telephone Notification of Licensee May 13, 1994

The State of Michigan 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 P. Santiago, OE, 504-3055

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

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