

DCS

June 7, 1994
EN 94-67

REGION III
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: The Mt. Sinai Medical Center (EA 94-085)
Cleveland, Ohio
Docket No. 030-15270 License No. 34-00746-03

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 in the amount of \$1,250 will be issued on or about June 10, 1994, to The Mt. Sinai Medical Center, Cleveland, Ohio. This action is based on the failure of teletherapy technologists to follow the written directive of the authorized user which resulted in a cobalt-60 teletherapy misadministration. The patient was scheduled to receive 4,000 rads by cobalt-60 teletherapy and 1,000 rads by linear accelerator. The misadministration resulted in the patient receiving all treatments by cobalt-60 teletherapy and none by linear accelerator. The civil penalty was mitigated 100 percent because the licensee identified the problem (50 percent) and took immediate and extensive corrective actions (50 percent). However, the civil penalty was escalated 50 percent for the licensee's prior performance because even though its overall performance has been good, on December 2, 1992, a similar violation occurred when the technologists failed to recognize that a written directive had been modified; this resulted in a patient receiving 300 rads per fraction instead of the prescribed 250 rads per fraction. Therefore, on balance, the civil penalty was mitigated 50 percent.

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: June 10, 1994
Telephone Notification of Licensee: June 10, 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.

Contacts: Robert W. DeFayette, Region III (708-829-9666)
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