



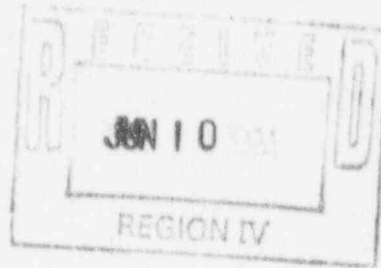
Hawaiian Eye
SURGICENTER

606 Kilani Avenue
Wahiawa, Hawaii 96786-1993
(808) 621-8448



Accredited by
**Accreditation Association
for Ambulatory
Health Care, Inc.**

John M. Corboy, M.D.
Surgeon/Director
Wendell K.S. Foo, M.D.
Anesthesiology



June 1, 1994

Reply to a Notice of Violation
Docket No.: 030-14891
License No.: 53-18343-01

U.S. Nuclear Regulatory Commission, Region IV
ATTN: Regional Administrator
611 Ryan Plaza Drive, Suite 400
Arlington, Texas 76011-8064

We are hereby responding to Notice of Violation issued May 19, 1994.

Violation A:

1. Reason: The physician, John M. Mertus, M.D. had recently been added to our medical staff. We confirmed his prior training, and instructed him, and supervised him on and off the premises. All his records are reviewed and initialed. We anticipated adding him to our license when it was renewed, but forgot to do so.
2. Corrective steps: An addendum was filed to our current license renewal, adding Doctor Mertus to our list of trained physicians authorized to use the sealed source applicator.
3. Avoiding future problems: No physician will be permitted to use the Beta source until they are added to the license. An attempt will be made to have all our physicians qualify.
4. Compliance: In this case, compliance will be achieved when license is reissued with anticipated approval of Doctor Mertus.

Violation B:

1. Reason: While we were aware of the exemption permitting physicians to transport the Beta source, we were not aware that only physicians could transport the source. We felt that the physician's nurse, technician, or other personal representative, directly responsible to the physician, while personally supervised by and acting under the specific orders of the physician, could assist him in transporting the source on common carriers. Apparently, this common sense understanding is not shared by the N.R.C. Thus, we have been in error.

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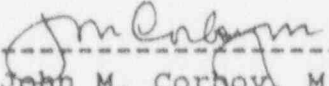
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2. Corrective steps: The staff has been advised of our new understanding of the Physician Exemption requirements. We have revised our checkout log book. We have required the physician to strictly adhere to the transportation rules.

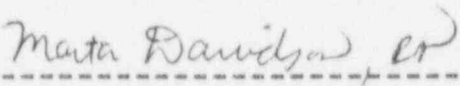
3. Avoiding future violations: We are endeavoring to purchase at least two additional Sealed Source Sr-90 Applicators (correspondance enclosed) to eliminate the transportation issue.

4. Compliance achieved: Immediately.

Respectfully submitted,



John M. Corboy, M.D.
Radiation Safety Officer



Marta Davidson, R.N.
Surgicenter Supervisor

Encl: Correspondence

xc: Christopher Tortora, M.D.
David Kula
John Mertus, M.D.

JMC/mcd



Hawaiian Eye CENTER



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June 2, 1994

Mr. Jim Montgomery
United States Nuclear Regulatory Commission
Walnut Creek Field Office
1450 Maria Lane
Walnut Creek, CA 94596

RE: Exemption to purchase Previously Owned
Strontium-90 Medical Units

Dear Mr. Montgomery:

A special situation exists here in Hawaii, in that our offices are located on multiple islands. We want to avoid the problem of repeatedly transporting one of the two Strontium-90 Medical Units we currently own.

At our last on site inspection, we learned there are 7 previously owned units which physicians have decided to discontinue using as a result of the burdensome regulations and high fees. Having no way to dispose of the nuclear material, they have given them up to, Mr. Scott Dube, our Local Nuclear Regulatory Safety Officer at the Queen's Medical Center.

We are interested in purchasing 2 previously owned Strontium-90 Medical Device Units, which are currently not in use.

We request an exemption from the mandate to purchase only new Strontium-90 Units from a manufacturer or distributor, since:

The cost of the new units is prohibitive.

It is beneficial to use a previously-manufactured radioactive source, rather than purchase a new one and add to the eventual problem of radioactive waste elimination.



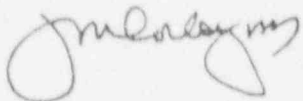
Mr. Jim Montgomery
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We realize Queen's Medical Center is not a manufacturer or distributor.

We also request that the unit be calibrated by our Local Certified Medical Physicist. This avoids the transportation of the Unit outside Hawaii and back again.

We appreciate your assistance in this common sense approach to our unique situation.

Aloha,



John M. Corboy, M.D.

XC: Mr. Scott Dube, Radiation Safety

JMC/ds