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NRC STAFF ISSUES ORDER MODIFYING PHYSICIAN'S RADIOACTIVE  
MATERIALS LICENSE

The Nuclear Regulatory Commission staff has issued an order modifying the NRC license held by Dr. Jose L. Fernandez, a physician in Puerto Rico, for failure to comply with agency requirements. The order is effective immediately.

Dr. Fernandez held an NRC license authorizing him to use NRC-licensed materials (strontium-90 eye applicator) to treat eye conditions at facilities in San Juan and Mayaguez, Puerto Rico. That license expired in February of this year and NRC regulations allow him to possess but not use the licensed material until his license is officially terminated by the NRC.

NRC inspections determined the licensee used a strontium-90 eye applicator with an incorrect calibration of dose rate. As a result, there were a number of medical misadministrations. Since February of this year, Dr. Fernandez has repeatedly failed to review records to identify affected patients and notify the patients of this fact.

The order requires Dr. Fernandez to hire an independent consultant (with NRC approval) to review patient radiation dose records, to submit a final report to the NRC, to notify all individuals who received misadministrations, and to safely store the radioactive sources and transfer them to an authorized recipient within 90 days.

In the order, Hugh L. Thompson, Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support, said, "I have concluded that the Licensee has failed to comply with a number of significant NRC requirements and that the actions [in the order] are required to protect the public health and safety."

Dr. Fernandez has 20 days to respond to the order or to request a hearing. Such a request will not stay the immediate effectiveness of this order.

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