NOTICE OF VIOLATION

St. Joseph's Hospital
Milwaukee, Wisconsin

License No. 48-00537-03
Docket No. 030-03406

During an NRC inspection conducted on August 28-29, 1996, with continued NRC in-office review through October 9, 1996, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600 (60 FR 34381; June 30, 1995), the violations are listed below:

1. 10 CFR 20.2001 requires that the licensee dispose of licensed material only by certain specified procedures.

   Contrary to the above, between May 25, 1994 and May 27, 1994, the licensee disposed of low level I-131 dry waste by release to the normal, non-radioactive trash, a method not authorized by 10 CFR Part 20.2001.

   This is a Severity Level IV violation (Supplement IV).

2. 10 CFR 20.1801 requires that licensees secure from unauthorized removal or access licensed materials that are stored in unrestricted areas. 10 CFR 20.1901 requires that the licensee control and maintain constant surveillance of licensed material that is in an unrestricted area and that is not in storage. As defined in 10 CFR 20.1003, "unrestricted area" means an area, access to which is neither limited nor controlled by the licensee.

   Contrary to the above, on August 28, 1996, the licensee did not secure from unauthorized removal or limit access to a cesium-137 sealed source containing 7.5 microcuries stored inside of unlocked room W176, an unrestricted area, nor did the licensee control and maintain constant surveillance of this licensed material.

   This is a Severity Level IV violation (Supplement IV).

3. 10 CFR 35.50(b)(3) requires, in part, that a licensee test each dose calibrator for linearity over the range of its use between the highest dosage that will be administered to a patient and 30 microcuries.

   Contrary to the above, the licensee's dose calibrator linearity test performed on May 31, 1994, covered only the range between approximately 94 millicuries and approximately 30 microcuries. The highest dosage that the licensee administered to a patient during that calendar quarter was 116 millicuries. The licensee's dose calibrator linearity test performed on August 23, 1994, covered only the range between approximately 101 millicuries and approximately 30 microcuries. The highest dosage that the licensee administered to a patient during that calendar

quarter was 129 millicuries. Additionally, the licensee's dose calibrator linearity test performed on August 8, 1995, covered only the range between approximately 98 millicuries and approximately 30 microcuries. The highest dosage that the licensee administered to a patient during that calendar quarter was 156 millicuries.

This is a Severity Level IV violation (Supplement VI).

4. 10 CFR 20.1906(b) and (c) require that each licensee monitor the external surfaces of a package labeled with a Radioactive White I, Yellow II, or Yellow III label for: (1) radioactive contamination, unless the package contains only radioactive material in the form of a gas or in special form as defined in 10 CFR 71.4; and (2) radiation levels, unless the package contains quantities of radioactive material that are less than or equal to the Type A quantity, as defined in 10 CFR 71.4 and Appendix A to Part 71. This monitoring shall be performed as soon as practicable, but not later than three hours after receipt of the package during the licensee's normal working hours, or not later than three hours from the beginning of the next working day if it is received after working hours.

   Contrary to the above, on several occasions as of August 28, 1996, the licensee received packages labeled with a Radioactive White I label, the package was not exempt from the monitoring requirement for radioactive contamination, and the licensee did not perform the required monitoring. Specifically, the packages received by the licensee contained millicurie quantities of technetium-99m in liquid form.

   This is a Severity Level IV violation (Supplement IV).

5. 10 CFR 35.205(e) requires, in part, that a licensee check each month the operation of reusable collection systems for radioactive gases.

   Contrary to the above, as of August 28, 1996, the licensee used a reusable collection system for radioactive xenon-133 gas and did not adequately check the operation of the collection system. Specifically, the collection system checks did not include introduction of xenon-133 gas, rendering the checks inadequate.

   This is a Severity Level IV violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, St. Joseph's Hospital is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region III, 801 Warrenville Road, Lisle, Illinois 60532-4351 within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation:

(1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Dated at Lisle, Illinois
this 22nd day of October 1996