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October 30, 1996

John Schuler, CEO  
Columbia Hospital  
Department of Nuclear Medicine  
2025 E. Newport Avenue  
Milwaukee, WI 53211

SUBJECT: NOTICE OF VIOLATION DATED SEPTEMBER 20, 1996

Dear Mr. Schuler:

This refers to Susan Henckel's letter dated September 23, 1996, in response to our letter dated September 20, 1996, transmitting a Notice of Violation (Notice).

Ms. Henckel's letter disputes Violation 5 of the Notice regarding medical use of cesium-137 sources received from St. Mary's Hospital. As discussed during a telephone conference between Yu Kong Chan, Ph.D., of your staff and John Madera of my staff on October 28, 1996, we have determined that Violation 5 is valid. However, after further review, we have determined that Violation 5 is more appropriately categorized as a violation of minor safety concern as described in Section IV of the enclosed "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600 (60 FR 34381; June 30, 1995). Consequently, we will modify our records accordingly.

If you plan to treat additional patients with the cesium-137 sources that you received from St. Mary's Hospital, it is necessary for you to request and receive an exemption to 10 CFR 35.49(a).

We have reviewed your corrective actions for the remaining violations and have no further questions at this time. These corrective actions will be examined during a future inspection.

Sincerely,

Original Signed by Roy J. Caniano

Cynthia D. Pederson, Director  
Division of Nuclear Materials Safety

License No.: 48-02417-01  
Docket No.: 030-03429

Enclosure: As stated

bcc: Public  
B. Burgess

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