

NOTICE OF VIOLATION

Milwaukee Heart and Vascular Clinic, S. C.
Milwaukee, Wisconsin

License No. 48-25969-01
Docket No. 030-30796

During an NRC inspection conducted on August 30, 1996, with continued NRC in-office review through September 18, 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 35.59(b)(2) requires, in part, that a licensee in possession of a sealed source test the source for leakage at intervals not to exceed six months or at other intervals approved by the Commission or an Agreement State.

Contrary to the above, the licensee did not test its Amersham Model CDC-V1 reference source containing a nominal activity of 250 microcuries of cesium-137 from December 17, 1993 to September 26, 1994, from September 26, 1994 to July 3, 1995, and from December 6, 1995 to August 30, 1996, intervals in excess of six months, and no other interval was approved by the Commission or an Agreement State.

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

2. Condition 13 of License No. 48-25969-01 requires that licensed material be possessed and used in accordance with statements, representations and procedures contained in application dated October 12, 1993 (with attachment).

Item 10.3 of the application dated October 12, 1993, requires that leak tests of sealed sources be performed in accordance with the model procedure in Appendix H to Regulatory Guide 10.8, Revision 2. Item 4.b. of the model procedure requires, in part, that a certified check source with a similar spectrum be used to determine the detection efficiency of the analyzer used to assay leak test samples.

Contrary to the above, the licensee used a technetium-99m source to estimate the detection efficiency for the instrument used to analyze the leak test result of a cesium-137 leak test sample on December 6, 1995, and the spectrums of technetium-99m and cesium-137 are dissimilar.

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

Pursuant to the provisions of 10 CFR 2.201, Milwaukee Heart and Vascular Clinic, S.C. 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 24th day of September 1996