



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

May 3, 2006

Docket No. 03001257
EA No. 06-105

License No. 06-05686-02

Lucille Janatka
President and CEO
MidState Medical Center
435 Lewis Avenue
Meriden, CT 06451

SUBJECT: INSPECTION 03001257/2006001, MIDSTATE MEDICAL CENTER, MERIDEN,
CONNECTICUT SITE AND NOTICE OF VIOLATION

Dear Ms. Janatka:

On January 24, 2006, and February 16 and 21, 2006, Richard McKinley of this office conducted a safety inspection by telephone of activities authorized by the above listed NRC license. The inspection was limited to a review of a lost source that had been lost from your facility in October 1998. You reported the lost source on February 21, 2006, and submitted a written report on January 24 and February 24, 2006, describing the circumstances surrounding the lost source. The findings of the inspection were discussed with you and members of your organization by telephone on April 4, 2006.

Based on the results of this inspection, it appears that your activities were not conducted in full compliance with NRC requirements. A Notice of Violation is enclosed that categorizes the violation by severity level. The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed on the docket in: (i) the letters dated January 24 and February 24, 2006, signed by Dr. Hajademos, your Radiation Safety Officer, and Mrs. Noble, your Radiology Director, and; (ii) the telephone records of February 16 and 21, 2006. Your corrective actions included tracing the history of the source in your institution from 1990 until its loss in 1998, contacting the source manufacturer for possible records of the return of the source to the manufacturer, and interviews of all personnel known to have personal knowledge of the source. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

Current NRC regulations are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Industrial, and Academic Uses of Nuclear Material**; then **Toolkit Index Page**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **What We Do, Enforcement**, then **Enforcement Policy**. Or you may obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays).

L. Janatka
MidState Medical Center

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Your cooperation with us is appreciated.

Sincerely,

Original signed by Penny Lanzisera

Penny Lanzisera, Acting Chief
Medical Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
Harry Hajedemos, M.D., Radiation Safety Officer
State of Connecticut

L. Janatka
MidState Medical Center

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D. J. Holody, RI

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DATE	04/20/06		04/20/06			

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NOTICE OF VIOLATION

MidState Medical Center
Meriden, CT

Docket No. 03001257
License No. 06-05686-02

During an NRC inspection conducted on January 24, February 16 and 21, and April 4, 2006, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

- A. 10 CFR 20.1801 requires that the licensee secure from unauthorized removal or access licensed materials that are stored in controlled or unrestricted areas. 10 CFR 20.1802 requires that the licensee control and maintain constant surveillance of licensed material that is in a controlled or unrestricted area and that is not in storage. As defined in 10 CFR 20.1003, controlled area means an area, outside of a restricted area but inside the site boundary, access to which can be limited by the licensee for any reason; and unrestricted area means an area, access to which is neither limited nor controlled by the licensee.

Contrary to the above, in October 1998, the licensee did not secure from unauthorized removal or limit access to a 630 microcurie gadolinium-153 sealed source stored in a waste room, which is a controlled area, nor did the licensee control and maintain constant surveillance of this licensed material. Specifically, the sealed source was removed from its device in 1994 and placed in storage until 1998, at which time accountability of the source was lost.

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

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance will be achieved is already adequately addressed on the docket. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available 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.

Notice of Violation
MidState Medical Center

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In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated This 3 day of May 2006