

February 26, 2007

Diane Pressley-Capers
Vice President, Professional Services
St. John Detroit Riverview Hospital
7733 East Jefferson Avenue
Detroit, MI 48214

SUBJECT: NRC INSPECTION 030-36259/07-001(DNMS) AND NOTICE OF VIOLATION -
ST. JOHN DETROIT RIVERVIEW HOSPITAL

Dear Ms. Pressley-Capers:

This refers to the inspection conducted on January 31, 2007, with continuing in-office review through February 9, 2007, at the St. John Detroit Riverview Hospital. The purpose of the inspection was to determine whether activities authorized by the license were conducted safely and in accordance with NRC requirements. Our in-office review included reviews and discussions on additional information provided by your staff. At the conclusion of the inspection, the findings were discussed with you and members of your staff.

The inspection was an examination of activities conducted under your license as they relate to radiation safety and to compliance with the Commission's rules and regulations, and with the conditions of your license. Within these areas, the inspection consisted of selective examinations of procedures and representative records, and interviews with personnel.

Based on the results of this inspection, the NRC has determined that two violations of NRC requirements occurred. The violations are cited in the enclosed Notice of Violation (Notice). The violations involve the failure to maintain control and constant surveillance of licensed material located in the nuclear medicine department hot lab, and the failure to perform required surveys when handling licensed material.

During the inspection, the NRC inspector entered the hot lab in the Nuclear Medicine Department and found the door open and no staff member was in the immediate vicinity to maintain constant surveillance. At the time the inspector entered the laboratory, licensed materials in an aggregate quantity greater than 100 times the quantity specified in Appendix C to 10 CFR Part 20 were present. The members of the nuclear medicine staff were engaged in activities outside of the laboratory and did not provide constant surveillance of the unsecured licensed materials.

Although there were no actual radiation safety consequences associated with the violations, the failure to secure from unauthorized access or maintain constant surveillance over licensed materials is a significant safety issue. Implementation of adequate security measures is intended to prevent the loss or theft of licensed materials and to prevent members of the public from being unknowingly and unnecessarily exposed to radiation. In addition, performance of surveys provides reasonable assurance that licensed materials are used in a manner consistent with the NRC regulations and the conditions of your NRC license. Your consulting physicist also identified these same issues on multiple occasions during his quarterly program audits in 2006.

Based on the results of this inspection, the NRC has also determined that an additional violation of NRC requirements occurred. The violation involves eating and drinking in an area (the hot lab) where radioactive materials are used and stored. This matter was identified by your consultant during his January 18, 2006, and October 10, 2006, audits. Your prompt and effective corrective actions included re-training your staff regarding, that eating and drinking in areas of radioactive material use and storage is not allowed. This non-repetitive, licensee-identified and corrected violation is being treated as a Non-Cited Violation, consistent with Section VI.A.8 of the NRC Enforcement Policy.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Sincerely,

/RA/

John R. Madera, Chief
Materials Inspection Branch

Docket No. 030-36259
License No. 21-32449-01

Enclosure:
Notice of Violation

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NOTICE OF VIOLATION

St. John Detroit Riverview Hospital
Detroit, Michigan

Docket No. 030-36259
License No. 21-32449-01

During an NRC inspection conducted on January 31, 2007, with continued in-office review through February 9, 2007, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," the violations are listed below:

- A. Title 10 CFR 20.1801 requires that the licensee secure from unauthorized removal or access licensed materials that are stored in controlled or unrestricted areas.

Contrary to the above, on January 31, 2007, the licensee did not secure from unauthorized removal or limit access to: (1) 180 millicuries of technetium-99m in unit dose form; (2) 273 millicuries of bulk Tc-99m; (3) millicurie quantities of radioactive waste and (4) various check sources of microcurie activity, located within the hot laboratory of the Nuclear Medicine Department, which is a controlled area. Specifically, a nuclear medicine technologist exited the hot laboratory and adjacent camera room to attend to a patient and failed to close the hot laboratory door, leaving the licensed material unsecured.

This is a Severity IV violation (Supplement IV).

- B. Condition 14.A. of License No. 21-32449-01 requires, in part, that licensed material be possessed and used in accordance with statements, representations, and procedures contained in an application, dated February 24, 2003, with attachments. Item 10, "Radiation Protection Program," of the application, dated February 24, 2003, states that the licensee has developed and will implement written procedures for area surveys in accordance with 10 CFR 20.1101 that meet the requirements of 10 CFR 20.1501 and 10 CFR 35.70.

1. Section 4 of Licensee Policy 1645.13, "End of Day Surveying and Meter Usage," dated June 21, 2006, developed to comply with Item 10 of the licensee's application, requires in part, that surveys be routinely done at the end of each working day in the hot lab, in the camera rooms, clinical areas, patient injection areas, and in the stress lab area.
2. Section 1.1.2 of Licensee Policy 1645.14 "Weekly Wipe Testing," dated June 21, 2006, developed to comply with Item 10 of the licensee's application, requires, in part, that weekly wipes be performed in all designated areas, such as the Hot Lab, imaging area, and the stress lab.

Contrary to the above, on numerous occasions between November 2006 and January 2007:

1. The licensee did not perform surveys at the end of each working day in the hot lab, in the camera rooms, clinical areas, patient injection areas, and in the stress lab area.

Enclosure

2. The licensee did not perform weekly wipes in all designated areas, such as the Hot Lab, imaging area, and the stress lab.

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

Pursuant to the provisions of 10 CFR 2.201, St. John Detroit Riverview Hospital is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator, Region III, 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 or severity level, (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.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>, to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

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

Dated this 26th day of February 2007