



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

November 8, 2007

Docket No. 03003045

License No. 37-05125-01

Teresa A Jacobs
Administrator
Saint Vincent Health Center
232 West 25th Street
Erie, PA 16544

SUBJECT: INSPECTION 03003045/2007001, SAINT VINCENT HEALTH CENTER, ERIE, PENNSYLVANIA SITE AND NOTICE OF VIOLATION

Dear Sr. Jacobs:

On October 16 and 17, 2007, Michael LaFranzo of this office conducted a safety inspection at the above address of activities authorized by the above listed NRC license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selected examination of representative records. The findings of the inspection were discussed with you at the conclusion of the inspection.

Based on the results of this inspection, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC enforcement Policy on the NRC's Web site at www.nrc.gov. The violation was the result of the licensee not maintaining accountability at all times for all brachytherapy sources in storage. Specifically on at least six different occasions between March and August 2007, the licensee shipped brachytherapy sources off site but did not maintain accountability at all times for those brachytherapy sources because records indicated that the sources were still in storage. The licensee committed to immediately document the removal of brachytherapy sources from inventory to ensure all sources are accountable and to verify that the brachytherapy sources were received by the intended recipient. The root cause of the violation was the licensee failing to understand the regulatory requirement.

The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in this letter. The violation is being cited in the Notice because it was identified by the NRC.

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 this letter. 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.

T. Jacobs
Saint Vincent Health Center

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Current NRC regulations are included on the NRC's website at www.nrc.gov ; select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material**; then **Regulations, Guidance, and Communications Page**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC; Organization and Functions; Office of Enforcement; About Enforcement**; then **Enforcement Policy**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 7:00 a.m. to 8:00 p.m. EST, Monday through Friday (except Federal holidays).

Please contact Michael LaFranzo at (630) 829-9865 if you have any questions regarding this matter.

Sincerely,

Original signed by Pamela J. Henderson

Pamela J. Henderson, Chief
Medical Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
Floyd Hyatt, M.D., Radiation Safety Officer
Commonwealth of Pennsylvania

T. Jacobs
Saint Vincent Health Center

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Pamela J. Henderson, Chief
Medical Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
Floyd Hyatt, M.D., Radiation Safety Officer
Commonwealth of Pennsylvania

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D. J. Holody, RI

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NAME	PHenderson/PJH						
DATE	11/08/07						

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NOTICE OF VIOLATION

Saint Vincent Health Center
Erie, PA

Docket No. 03003045
License No. 37-05125-01

During an NRC inspection conducted on October 16 and 17, 2007, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 35.406(a) states, in part, that the licensee shall maintain accountability at all times for all brachytherapy source in storage.

Contrary to the above, between March and August 2007 on six occasions, the licensee shipped brachytherapy sources off site but did not maintain accountability at all times for those brachytherapy sources because records indicated that the sources were still in storage.

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

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.

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

Dated This 8th day of November 2007