



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

February 14, 2008

Docket No. 03003302

License No. 45-00986-01

David Setchel
Vice President, Operations
Bon Secours Depaul Medical Center
150 Kingsley Lane
Norfolk, VA 23505

SUBJECT: INSPECTION 03003302/2007001, BON SECOURS DEPAUL MEDICAL CENTER, NORFOLK, VIRGINIA SITE AND NOTICE OF VIOLATION

Dear Mr. Setchel:

On November 7, 2007, Willie Lee 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 and Kristi Sink of your organization on February 8, 2008 at the conclusion of the inspection.

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. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

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).

D. Setchel
Bon Secours Depaul Medical Center

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Please contact Willie Lee at 610-337-5090 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:
Robert T. Mariano, M.D., Radiation Safety Officer
Commonwealth of Virginia

D. Setchel
Bon Secours Depaul Medical Center

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Please contact Willie Lee at 610-337-5090 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:
Robert T. Mariano, M.D., Radiation Safety Officer
Commonwealth of Virginia

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NOTICE OF VIOLATION

Bon Secours Depaul Medical Center
Norfolk, VA

Docket No. 03003302
License No. 45-00986-01

During an NRC inspection conducted on November 7, 2007, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 35.67(g) requires that a licensee in possession of sealed sources or brachytherapy sources, except for gamma stereotactic radiosurgery sources, conduct a semi-annual physical inventory of all such sources in its possession. The licensee shall retain each inventory record in accordance with 10 CFR 35.2067(b).

Contrary to the above, the licensee did not conduct a semi-annual physical inventory of iodine-125 manual brachytherapy sources in its possession, as permitted by 35.400. Specifically, as of November 7, 2007, a semi-annual inventory of iodine-125 brachytherapy sources was not performed.

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

Pursuant to the provisions of 10 CFR 2.201, Bon Secours Depaul Medical Center 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 I, 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.

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
Bon Secours Depaul 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 14 day of February 2008