

NOTICE OF VIOLATION

St. Francis Hospital, Inc.
Wilmington, DE

Docket No. 03011759
License No. 07-16862-01

During an NRC inspection conducted on October 28, 2010, as well as subsequent in-office reviews, and for which an exit meeting was conducted on December 21, 2010, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 19.12(a)(3) requires, in part, that all individuals who in the course of employment are likely to receive in a year an occupational dose in excess of 100 mrem (1 mSv) shall be instructed in, and required to observe, to the extent within the workers control, the applicable provisions of Commission regulations and licenses for the protection of personnel from exposure to radiation and/or radioactive material.

Contrary to the above, as of October 28, 2010, individuals who in the course of employment were likely to receive in a year an occupational dose in excess of 100 mrem (1 mSv) were not instructed in the applicable provisions of Commission regulations and licenses for the protection of personnel from exposure to radiation and/or radioactive material. Specifically, individuals from the Environmental Services and Plant Operations/Maintenance Departments, who were working in or routinely gained access to the nuclear medicine hot laboratory (a restricted area) had not been instructed in the applicable provisions of the regulations and the conditions of the license associated with the protection of personnel from exposure to radiation and/or radioactive material since May 17, 2006.

This is a Severity Level IV violation (Section 6.3).

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 and in correspondence from St. Francis Hospital, Inc. on December 2, 2010. 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 23rd day of December 2010