

NOTICE OF VIOLATION

Christiana Care Health Services
Newark, DE

Docket No. 03001303
License No. 07-12153-02
EA-10-267

During an NRC inspection conducted between November 16 and 19, 2010, and November 22, 2010, as well as an in-office review of information provided by Christiana Care Health Services (Christiana) during the on-site inspection, for which a telephonic exit meeting was held on December 15, 2010, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 20.1301(a)(2) requires, in part, that the licensee conduct operations so that the dose in any unrestricted area from external sources does not exceed 0.002 rem (0.02 millisievert) in any one hour.

Contrary to the above, Christiana did not conduct operations so that the dose in any unrestricted area from external sources did not exceed 0.002 rem (0.02 millisievert) in any one hour. Specifically, on November 15, 2010; July 9, 2009; April 16, 2009; November 17, 2008; and October 17, 2008, licensee operations resulted in a dose greater than 0.002 rem in any one hour in the unrestricted room adjacent to the in-patient Iodine-131 therapy patient room.

This is a Severity Level IV violation (Section 6.7).

- B. 10 CFR 35.13(e) requires, in part, that a licensee shall apply for and receive a license amendment before it adds to or changes the areas of use identified in the application or on the license.

Contrary to the above, Christiana did not apply for and receive a license amendment before it added to or changed the areas of use identified in the application or on the license. Specifically, the licensee relocated its Nuclear Medicine and PET Department effective November 8, 2010, prior to amending their license.

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

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violations 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 10th day of January 2011