NOTICE OF VIOLATION

Mercy Hospital
Janesville, WI 53545

License No. 48-02411-01
Docket No. 030-03428

During an NRC inspection conducted on June 10, 1993, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C the violations are listed below:

1. 10 CFR 35.21(a) requires that the licensee, through the Radiation Safety Officer, ensure that radiation safety activities are being performed in accordance with approved procedures. The licensee's procedures for Medical Uses of Byproduct Material are described in the letter received April 11, 1989, and were approved by License Condition No. 15.

   a. The letter received April 11, 1989, states in Item A. that Appendix A of Regulatory Guide 10.8, Revision 2, titled "Model Training Program," will be followed for radiation safety training. Appendix A requires, in part, that personnel receive radiation safety instruction before assuming duties with, or in the vicinity of, radioactive materials.

      Contrary to the above, as of June 10, 1993, contracted employees who have used radioactive material in the conduct of nuclear cardiology since approximately 1990 have not been provided radiation safety instruction.

      This is a Severity Level IV violation (Supplement VI)

   b. The letter received April 11, 1989, states in Item D. that Appendix D of Rgulatory Guide 10.8, Revision 2, titled "Model Personnel External Exposure Monitoring Program," will be followed for monitoring personnel exposures. Appendix D requires, in part, that individuals who are occupationally exposed to ionizing photon radiation on a regular basis be issued a film or TLD whole body monitor and individuals who handle radioactive material be issued a film or TLD finger monitor.

      Contrary to the above, as of June 10, 1993, contracted employees who have used radioactive material in the conduct of nuclear cardiology since approximately 1990 had not been issued a film or TLD whole body monitor or film or TLD finger monitor.

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

2. 10 CFR 35.92(a) permits a licensee to dispose of byproduct material with a physical half-life of less than 65 days in ordinary trash, provided, in part, that the licensee first holds such byproduct material for decay a minimum of ten half-lives.

   Contrary to the above, as of June 10, 1993, the licensee routinely disposed of iodine-131 in ordinary trash without first holding this material for decay a minimum of ten half-lives.

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

3. 10 CFR 35.315(a)(4) and (7) require, in part, that for each patient receiving radiopharmaceutical therapy and hospitalized for compliance with 10 CFR 35.75, a licensee promptly after administration of the dosage, measure the dose rates in contiguous restricted and unrestricted areas with a radiation measurement survey instrument to demonstrate compliance with the requirements of 10 CFR Part 20. In addition, the licensee shall survey the patient's room and private sanitary facility for removable contamination with a radiation detection survey instrument before assigning another patient to the room. The room must not be reassigned until the removable contamination is less than 200 disintegrations per 100 square centimeters.

Contrary to the above, on October 7, 1991, February 17, 1992, and April 5, 1993, the licensee did not conduct surveys of contiguous restricted and unrestricted areas promptly after administration of iodine-131 in quantities requiring hospitalization for compliance with 10 CFR 35.75. In addition, the licensee did not survey the patients' room and private sanitary facility for removable contamination following completion of the above treatments.

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

Pursuant to the provisions of 10 CFR 2.201, Mercy Hospital is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, Region III, 799 Roosevelt Road, Glen Ellyn, Illinois, 60137, 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. 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.

JUN 28 1993
Dated

Gary L. Shear
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Nuclear Materials Inspection
Section 2