



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

DEC 27 1993

Docket No. 030-01244
License No. 06-00819-03
EAs 92-241 and 93-016

Mr. Norman G. Roth, Assistant
Vice President
Yale-New Haven Hospital
20 York Street
New Haven, Connecticut 06504

Dear Mr. Roth:

SUBJECT: ORDER IMPOSING CIVIL MONETARY PENALTIES - \$10,000

This letter refers to your letter, dated June 10, 1993, in response to the Notice of Violation and Proposed Imposition of Civil Penalties (Notice) sent to you by our letter dated April 26, 1993. Our letter and Notice described five violations of NRC requirements. Three of the violations, (involving the failure to survey, failure to maintain control of material, and creation of excessive levels of radiation in an unrestricted area) were classified in the aggregate as a Severity Level III problem and assessed a civil penalty of \$2,500. The other two violations (involving violations of quality management program (QMP) requirements that contributed to two misadministrations of radioactive material at your facility) were also classified in the aggregate as a Severity Level III problem and assessed a civil penalty of \$7,500. To emphasize the importance of (1) strict adherence to regulatory requirements so as to ensure that licensed activities are conducted safely, and radioactive material is not left unsecured in the public domain, and (2) ensuring that corrective actions taken or planned are long-lasting, a Notice of Violation and Proposed Imposition of Civil Penalties in the cumulative amount of \$10,000 was issued for the violations.

In your response, you admitted the first three violations that were set forth in Section I of the Notice. However, you questioned the Severity Level classification of those first three violations, and you also denied the two violations of QMP requirements that were set forth in Section II of the Notice. Further, you requested reduction of the civil penalties, for the reasons set forth in your response, as summarized in the Appendix attached to the enclosed Order. After consideration of your response, we have concluded, for the reasons given in the

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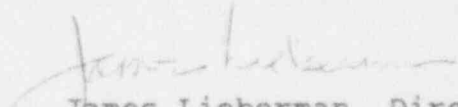
Appendix attached to the enclosed Order Imposing Civil Monetary Penalties, that an adequate basis was not provided by you for changing the aggregate Severity Level III classification for the violations in Section I, retraction of either of the QMP violations in Section II, or mitigation of the civil penalties.

Accordingly, we hereby serve the enclosed Order on Yale-New Haven Hospital imposing civil monetary penalties in the amount of \$10,000. We will continue to review the effectiveness of your corrective actions during subsequent inspections.

In your response, you also requested clarification of one element of the Confirmatory Order issued along with the Notice. Specifically, you indicated that the Order stated that you are to take actions that implement the review panel's assessment and your improvement plan. You also stated that as you view it, the assessment will provide the basis for developing an appropriate improvement plan. We agree that the assessment will form the basis for developing an improvement plan.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be placed in the NRC's Public Document Room.

Sincerely,


James Lieberman, Director
Office of Enforcement

Enclosures: As Stated

cc w/encls:
Public Document Room (PDR)
Nuclear Safety Information Center (NSIC)
State of Connecticut