



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

March 11, 2005

Docket No. 03012343
EA-05-033

License No. 47-17199-01

Mark Nosacka
Chief Executive Officer
Greenbrier Valley Medical Center
202 Maplewood Avenue
Ronceverte, WV 24970

**SUBJECT: INSPECTION 03012343/2004001, GREENBRIER VALLEY MEDICAL CENTER,
RONCEVERTE, WEST VIRGINIA SITE AND NOTICE OF VIOLATION**

Dear Mr. Nosacka:

On November 18, 2004, 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 Ms. Carol Evans of your organization 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 each violation by severity level in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG 1600. 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 and guidance are available at the NRC Web sites listed below or by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays).

M. Nosacka
Greenbrier Valley Medical Center

2

Your cooperation with us is appreciated.

Sincerely,

Original signed by Pamela J. Henderson

Pamela J. Henderson, Chief
Medical Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

NRC Web site addresses
NRC regulations

<http://www.nrc.gov/reading-rm/doc-collections/cfr/>

Licensing guidance

<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/>

General Policy and Procedure for NRC Enforcement Actions

<Http://www.nrc.gov/what-we-do/regulatory/enforcement/enforc-pol.pdf>

206 of the Energy Reorganization Act of 1974

<http://www.nrc.gov/who-we-are/governing-laws.html>

cc:
Heather Rose, M.D., Radiation Safety Officer
State of West Virginia

M. Nosacka
Greenbrier Valley Medical Center

3

Distribution:
D. J. Holody, RI

DOCUMENT NAME: E:\Filenet\ML050700207.wpd

To receive a copy of this document, indicate in the box: "C" = Copy w/o attach/encl "E" = Copy w/ attach/encl "N" = No copy

OFFICE	DNMS/RI	N	DNMS/RI	DNMS/RI			
NAME	PHenderson						
DATE	3/11/05						

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Greenbrier Valley Medical Center
Ronceverte, WV

Docket No. 03012343
License No. 47-17199-01
EA-05-033

During an NRC inspection conducted on November 18, 2004, two violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG-1600, the violations are listed below:

- A. 10 CFR 20.2201(a)(2)(ii) requires that within 30 days after the occurrence of any lost, stolen or missing licensed material becomes known to the licensee, all quantities greater than 10 times the quantities specified in Appendix C of Part 20 must be reported by telephone to the NRC Operations Center.

Contrary to the above, the licensee did not report by telephone to the NRC Operations Center within 30 days after the occurrence of licensed material greater than 10 times the quantity specified in Appendix C of Part 20 became known to them. Specifically, the licensee discovered on July 11, 2003 that 0.425 millicurie of Iodine-125 contained in a brachytherapy seed was missing and did not report it to the NRC Operations Center as required.

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

- B. 10 CFR 35.406(a) requires that each licensee maintain accountability at all times for all brachytherapy sources in storage or use.

Contrary to the above, the licensee did not maintain accountability at all times for all brachytherapy sources in storage or use. Specifically, one 0.425 millicurie Iodine-125 source was discovered missing on July 11, 2003.

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

Pursuant to the provisions of 10 CFR 2.201, Greenbrier Valley 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.

Notice of Violation
Greenbrier Valley Medical Center

2

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 at <http://www.nrc.gov/reading-rm.html>. 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 11 day of March 2005