



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

June 7, 2006

Docket No. 03003298
EA-06-118

License No. 45-00131-02

Pamela Robertson
Vice President Operations
Sentara Norfolk General Hospital
600 Gresham Drive
Norfolk, VA 23507

SUBJECT: INSPECTION 03003298/2006001, SENTARA HOSPITALS, NORFOLK, VIRGINIA AND VIRGINIA BEACH, VIRGINIA SITES AND NOTICE OF VIOLATION

Dear Ms. Robertson:

On April 3 through April 6, 2006, Sandy Gabriel and Chris Hott of this office conducted a safety inspection at Sentara Norfolk General Hospital, 600 Gresham Drive, Norfolk, Virginia; Cancer Centers of Virginia, Lake Wright, 5900 Lake Wright Drive, Suite B, Norfolk, Virginia; Sentara Leigh Hospital, 830 Kempsville Road, Norfolk, Virginia; and Sentara Bayside Hospital, 800 Independence Boulevard, Virginia Beach, Virginia 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 inspectors, interviews with personnel, and a selected examination of representative records. Additional information provided in your correspondence dated April 21 and May 8, 2006 was also examined as part of the inspection. The findings of the inspection were discussed with you and members of your staff at the conclusion of the on-site inspection and by telephone with Sandy Wolff, your Radiation Safety Officer, on May 26, 2006.

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 the two violations by severity level. 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 has already been adequately addressed on the docket. Your corrective actions for the first violation included promptly repairing the hot lab door during the on-site inspection, as observed by the inspectors. As described in the letter dated May 8, 2006, signed by Sandy Wolff, your corrective actions for the second violation included adoption of new procedures for transfer or disposal of licensed material, and retraining of staff. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

Within the scope of this inspection, one Non-Cited Violation (NCV) of 10 CFR 35.40 was also identified. Specifically, on June 5 and June 17, 2003, a physician who was not an authorized user signed written directives for the administration of sodium iodide iodine-131 to two patients. Although the physician was not listed as an authorized user on your license when the written

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directives were signed and he subsequently discontinued working at your facility, during the inspection it was determined that he was previously listed as an Authorized User (AU) on a different license. This was a non-repetitive, licensee-identified and corrected violation and is being treated as an NCV in accordance with the General Statement of Policy and Procedure for NRC Enforcement Actions,” (Enforcement Policy), NUREG 1600. If you contest the violation or significance of the NCV, you should provide a response within 30 days of the date of this letter with the basis for your denial, to the United States Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with copies to the Regional Administrator, Region 1, and the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC, 20555-001.

Current NRC regulations are included on the NRC’s website at www.nrc.gov; select **Nuclear Materials; Medical, Industrial, and Academic Uses of Nuclear Material**; then **Toolkit Index Page**. The current Enforcement Policy is included on the NRC’s website at www.nrc.gov; select **What We Do, Enforcement**, then **Enforcement Policy**. Or you may obtain these documents 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).

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

cc:
Sandy Wolff, Radiation Safety Officer
Commonwealth of Virginia

P. Robertson
Sentara Norfolk General Hospital

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NOTICE OF VIOLATION

Sentara Hospitals
Norfolk, VA

Docket No. 03003298
License No. 45-00131-02

During an NRC inspection conducted on April 3 through April 6, 2006, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 20.1801 requires that the licensee secure from unauthorized removal or access licensed materials that are stored in controlled or unrestricted areas. 10 CFR 20.1802 requires that the licensee shall control and maintain constant surveillance of licensed material that is in a controlled or unrestricted area and that is not in storage. As defined in 10 CFR 20.1003, *controlled area* means an area, outside of a restricted area but inside the site boundary, access to which can be limited by the licensee for any reason; and *unrestricted area* means an area, access to which is neither limited or controlled by the licensee.

Contrary to the above, on April 4, 2006, the licensee did not secure from unauthorized removal or limit access to technetium-99m and cesium-137 located in the Nuclear Medicine hot lab, which is a controlled area, nor did the licensee control and maintain constant surveillance of this licensed materials. Specifically, the NRC inspectors were able to open the door to the hot lab without a key card.

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

- B. 10 CFR 40.51(a) and (b)(5) requires, in part, that source material be transferred to a person authorized to receive source material under terms of a specific license or a general license or their equivalents issued by the Atomic Energy Commission, the Commission or an Agreement State.

Contrary to the above, the licensee transferred source material to a person not authorized to receive such material. In 1996 the licensee transferred a Varian Clinac 6/100 linear accelerator containing depleted uranium shielding to the Sentara Cancer Institute. At the time of the transfer, the Sentara Cancer Institute was not authorized to receive source material under terms of a specific or general license.

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

The NRC has concluded that information regarding the reason for the violations, 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. 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 7 day of June 2006