



February 10, 2009

Docket No. 03003388

License No. 47-09576-01

Michael G. Sellards
President and Chief Executive Officer
St. Mary's Medical Center
2900 First Avenue
Huntington, WV 25702-1241

SUBJECT: NRC INSPECTION REPORT NO. 03003388/2008002, ST. MARY'S MEDICAL CENTER, HUNTINGTON, WEST VIRGINIA SITE

Dear Mr. Sellards:

On October 28, 2008, Richard McKinley and Farrah Gaskins of this office conducted a safety inspection at the above address of activities authorized by the above listed NRC license. The inspection was limited to a review of the medical event of October 15, 2008. The preliminary findings of the inspection were discussed with Tyson Smith and others of your organization at the conclusion of the on-site inspection on October 28, 2008, and the final inspection findings were discussed with you and James Norweck on February 6, 2009. The enclosed report presents the results of this inspection, including a summary of the NRC medical consultant's findings.

Within the scope of this inspection, one Non-Cited Violation (NCV) of 10 CFR 35.41 (a)(2) was identified. On October 15, 2008, a patient who had difficulty swallowing was administered a 150 millicurie capsule of sodium iodide iodine-131, and your written procedures to assure high confidence that the administration would be in accordance with a written directive did not address oral administration of sodium iodide iodine-131 to patients with difficulty swallowing. The capsule lodged in the patient's esophagus for approximately 2.5 hours, resulting in an exposure to the patient's esophagus which exceeded by 50 rems and 50 % the dose expected from the administration as defined in the written directive. Your immediate corrective actions included revision of your procedures as described in your report to the NRC dated October 22, 2008. 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, 20555-0001.

Current NRC regulations are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material**; then **Regulations, Guidance, and Communications Page**. The current Enforcement Policy is included on the

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NRC's website at www.nrc.gov; select **About NRC; How We Regulate; Enforcement**; then **Enforcement Policy**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 7:00 a.m. to 6:30 p.m. EST, Monday through Friday (except Federal holidays).

Please contact Richard McKinley at 610-337-5102 if you have any questions regarding this matter.

Sincerely,

Original signed by Penny Lanzisera for

James D. Noggle, Chief
Medical Branch
Division of Nuclear Materials Safety

Enclosure:
Inspection Report No. 03003388/2008002

cc w/encl:

James Norweck, Radiation Safety Officer
State of West Virginia

M. Sellards

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NRC's website at www.nrc.gov; select **About NRC; How We Regulate; Enforcement;** then **Enforcement Policy**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 7:00 a.m. to 6:30 p.m. EST, Monday through Friday (except Federal holidays).

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cc w/encl:

James Norweck, Radiation Safety Officer
State of West Virginia

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