



January 13, 2010

Docket No. 03013060
EA-09-335
NMED No. 090597

License No. 07-17618-01

Don Tricarico
Vice President of Clinical Operations, Cancer Care Center
Nanticoke Memorial Hospital
801 Middleford Road
Seaford, DE 19973

SUBJECT: NRC INSPECTION REPORT NO. 03013060/2009001, NANTICOKE MEMORIAL HOSPITAL, SEAFORD, DELAWARE

Dear Mr. Tricarico:

On July 21, 2009, Tara Weidner and Janice Nguyen of this office conducted a special inspection at Nanticoke Memorial Hospital in Seaford, Delaware. The inspection reviewed the circumstances surrounding a medical event reported by your staff to the NRC Headquarters Operations Center on July 15, 2009. As discussed during an August 3, 2009, telephone conversation between Ms. Weidner and Matthew Rajotte of your staff, a medical consultant was retained by the NRC to review this event. The results of that review were completed on September 29, 2009. Additional information provided by Nanticoke Memorial Hospital in correspondence dated July 29, 2009, November 2, 2009 and December 23, 2009, was also examined as part of the inspection. The results of the inspection and the medical consultant's review were discussed with you and other members of your organization at the conclusion of the inspection on January 6, 2010, and are described in the enclosed inspection report.

Based on the results of this inspection, one apparent violation was identified and is being considered for escalated enforcement action in accordance with the NRC Enforcement Policy. The apparent violation involves the failure to notify the NRC Operations Center within 24 hours following the discovery of a medical event, as required by 10 CFR 35.3045(c). Specifically, on June 26, 2009, Nanticoke Memorial Hospital did not report that a medical event had occurred on March 5, 2009, even though the data collected and reviewed indicated otherwise. The NRC Operations Center was not notified of this event until July 15, 2009.

On January 6, 2010, Marc Ferdas, Chief, Medical Branch, discussed the circumstances surrounding the apparent violation, the significance of the issue, and the need for lasting and effective corrective actions with you and members of your staff. During the telephone conversation, Mr. Ferdas also informed you that the NRC has sufficient information regarding the apparent violation and your corrective actions to enable the NRC to make an enforcement decision without a predecisional enforcement conference (PEC). However, Mr. Ferdas offered your organization an opportunity to submit an additional written response or to attend a PEC prior to NRC determining appropriate enforcement action. You informed Mr. Ferdas that Nanticoke Memorial Hospital declined the opportunity to provide an additional written response or attend a PEC.

Because the NRC has not made a final determination in this matter with respect to the apparent violation, a Notice of Violation is not being issued for this inspection finding at this time. You will be advised by separate correspondence of the results of our deliberations on this matter. In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review.

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**. The current Enforcement Policy is included on the 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). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the NRC Public Document Room without redaction.

No reply to this letter is required. Please contact Tara Weidner, Health Physicist, at (610) 337-5272 if you have any questions regarding this matter.

Sincerely,

/RA/

John D. Kinneman, Director
Division of Nuclear Materials Safety

Enclosures:

1. Inspection Report 03013060/2009001
2. Excerpt from NRC Information Notice 96-28

cc:

Louis F. Owens, Jr., M.D., Radiation Safety Officer
State of Delaware

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Louis F. Owens, Jr., M.D., Radiation Safety Officer
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