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

March 09, 2011

Docket No. 03003375 License No. 47-01458-01

Michael C. Tillman
Chief Operating Officer
United Hospital Center
327 Medical Park Drive
Bridgeport, WV 26330

SUBJECT: NRC INSPECTION REPORT NO. 03003375/2011001, UNITED HOSPITAL CENTER, BRIDGEPORT AND CLARKSBURG, WEST VIRGINIA SITES, AND NOTICE OF VIOLATION

Dear Mr. Tillman:

On January 10 and 11, 2011, Penny Lanzisera and Robin Elliott of this office conducted a safety inspection 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 an examination of records. Additional information provided in correspondence dated January 14 and 21, 2011 and during a telephone conversation on February 22, 2011, was also examined as part of the inspection. The results of the inspection were discussed with you, and other members of your organization at the conclusion of the inspection on February 22, 2011.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that four Severity Level IV violations of NRC requirements occurred. Specifically, United Hospital Center: (1) did not maintain dose rates in an unrestricted area adjacent to the in-patient iodine-131 therapy room less than 0.002 rem in any one hour, as required by 10 CFR 20.1301(a)(2); (2) did not perform linearity and geometry testing on two dose calibrators after moving them to a new facility in October 2010, as required by 10 CFR 35.60(b); (3) used a brachytherapy sealed source model not authorized per their license; and (4) used their high dose rate remote afterloader (HDR) device to perform a calibration of a survey instrument, a use not authorized per their license. The violations are cited in the enclosed Notice of Violation (Notice), because the violations were identified by the NRC.

The NRC has concluded that the information regarding the reasons for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence are already adequately addressed on the docket and in your correspondence dated January 14 and 21, 2011. Specifically, United Hospital Center: (1) trained staff on new procedures which require the use of an additional shield for all future iodine-131 therapy patient treatments and provided additional guidance on the performance of radiation surveys in adjacent areas; (2) performed the required dose calibrator testing and updated forms to prompt for repeat testing after any future moves of the dose calibrators; and (3) submitted and received an amendment to their license authorizing the use of Best Medical Model 2301 brachytherapy sources. In addition, during a telephone conversation on February 22, 2011, United Hospital Center committed to discontinue

the use of the HDR for instrument calibrations. 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.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC website at http://www.nrc.gov/reading-rm/adams.html. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

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 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 Penny Lanzisera at (610) 337-5169 if you have any questions regarding this matter.

Sincerely,

Original signed by Sandra Gabriel For

Marc S. Ferdas, Chief
Medical Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
James W. Israel, Radiation Safety Officer
State of West Virginia

the use of the HDR for instrument calibrations. 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.

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Enclosure:
Notice of Violation

cc:
James W. Israel, Radiation Safety Officer
State of West Virginia

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OFFICE	DNMS/RI	N	DNMS/RI	N	DNMS/RI			
NAME	RElliott/PL For*		PLanzisera/PL*		MFerdas/SG for MF			
DATE	3/8/11		3/8/11		3/9/11			

*see prior concurrence
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NOTICE OF VIOLATION

United Hospital Center
Bridgeport, WV

Docket No. 03003375
License No. 47-01458-01

During an NRC inspection conducted on January 10 and 11, 2011, as well as an in-office review of information provided by United Hospital Center, for which a telephonic exit meeting was conducted on February 22, 2011, four violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

A. 10 CFR 20.1301(a)(2) requires, in part, that the licensee conduct operations so that the dose in any unrestricted area from external sources does not exceed 0.002 rem (0.02 millisievert) in any one hour.

Contrary to the above, on January 11, 2011, the licensee did not conduct operations so that the dose in any unrestricted area from external sources did not exceed 0.002 rem (0.02 millisievert) in any one hour. Specifically, United Hospital Center conducted operations that resulted in a dose of 0.006 millirem (0.06 millisievert) in any one hour in the unrestricted room adjacent to the in-patient iodine-131 therapy room.

This is a Severity Level IV violation (Section 6.7).

B. 10 CFR 35.60(a) requires that for direct measurements performed in accordance with 10 CFR 35.63, a licensee shall possess and use instrumentation to measure the activity of unsealed byproduct material before it is administered to each patient or human research subject.

10 CFR 35.60(b) requires that the licensee calibrate the instrumentation required in paragraph (a) of this section in accordance with nationally recognized standards or the manufacturer's instructions.

Contrary to the above, as of January 11, 2011, the licensee did not calibrate the instrumentation required in 10 CFR 35.60(a) in accordance with nationally recognized standards or the manufacturer's instructions. Specifically, United Hospital Center did not perform a geometry test or a linearity test after moving two dose calibrators and prior to using them on October 4, 2010, at their new facility (Bridgeport, West Virginia site).

This is a Severity Level IV violation (Section 6.3).

C. Condition 7D of License No. 47-01458-01 limits the sealed sources used in accordance with 10 CFR 35.400 to those manufacturers and models numbers specifically listed.

Contrary to the above, between April 6, 2010 and January 11, 2011, United Hospital Center used a sealed source in accordance with 10 CFR 35.400 that was not specifically listed on their license. Specifically, United Hospital Center used Best Medical Model 2301 brachytherapy sources which was a source model not listed as an approved source in

Condition 7D of their license.

This is a Severity Level IV violation (Section 6.3).

D. Condition 9E of License No. 47-01458-01 limits the use of the high dose rate remote afterloader (HDR) device to medical use permitted by 10 CFR35.600.

Contrary to the above, on January 11, 2011, United Hospital Center used their HDR device for non-medical use. Specifically, the HDR device was used to calibrate a survey instrument; a use not authorized by Condition 9E of their license.

This is a Severity Level IV violation (Section 6.3).

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 _9th_ day of _March_ 2011