



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

May 26, 2011

Docket No. 03028869

License No. 47-15717-03

Michael B. Harmon, M.D.
Owner/Senior Partner
Charleston Radiation Therapy Consultants, PLLC
3100 MacCorkle Avenue S.E., Suite B-1
Charleston, WV 25304

SUBJECT: NRC INSPECTION REPORT NO. 03028869/2011001, CHARLESTON
RADIATION THERAPY CONSULTANTS, PLLC, CHARLESTON, WEST
VIRGINIA SITE

Dear Dr. Harmon:

On April 28, 2011, Héctor Bermúdez and Robin Elliott 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 inspectors, interviews with personnel, and review of records. Additional information provided in your correspondence dated May 4, 2011, was also examined as part of the inspection. The results of the inspection were discussed with Lewis Whaley, M.D. and Dimitris Mihailidis, Ph. D. of your organization, at the conclusion of the onsite inspection on April 28, 2011, and during a final exit meeting on May 16, 2011, and are described in the enclosed report.

Based on the results of this inspection, two apparent violations of NRC requirements were identified. Specifically, Charleston Radiation Therapy Consultants: 1) did not perform timer linearity over the typical range of use with each full calibration of the high dose rate remote afterloader (HDR) unit, as required by 10 CFR 35.633(b)(5); and 2) did not ensure that an authorized user (AU) was physically present during the continuation of patient treatments involving the HDR, as required by 10 CFR 35.615(f)(2)(ii).

Because the NRC has not made a final determination in this matter with respect to the apparent violations, a Notice of Violation is not being issued at this time. You will be advised by separate correspondence of the results of our deliberations.

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 and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Med, Ind, & Academic Users**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. 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).

No reply to this letter is required. Please contact the Héctor Bermúdez at 404-997-4734 if you have any questions regarding this matter.

Sincerely,

Original signed by Marc Ferdas

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

Enclosure:
Inspection Report No. 03028869/2011001

cc:
Dimitris N. Mihailidis, Ph.D., Radiation Safety Officer
State of West Virginia

M. Harmon

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Sincerely,

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

Enclosure:
Inspection Report No. 03028869/2011001

cc:
Dimitris N. Mihailidis, Ph.D., Radiation Safety Officer
State of West Virginia

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