



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

December 6, 2011

Docket No. 03035708

License No. 47-25559-01

Vickie Gay  
Chief Executive Officer  
Montgomery General Hospital  
401 6th Avenue  
Montgomery, WV 25136

**SUBJECT: NRC INSPECTION REPORT NO. 03035708/2011001, MONTGOMERY  
GENERAL HOSPITAL, MONTGOMERY, WEST VIRGINIA SITE AND NOTICE  
OF VIOLATION**

Dear Ms. Gay:

During a review of your license renewal application and additional information submitted on September 26, 2011, Robin Elliott of this office identified a violation of NRC requirements. The violation was discussed with you and other members of your staff including your Radiation Safety Officer, Dr. Davis, on November 7, 2011. The review identified that Montgomery General Hospital did not properly notify the NRC.

Based on the results of our review and in accordance with the NRC Enforcement Policy, the NRC identified one violation of NRC requirements. A Notice of Violation (Notice) is enclosed that categorizes this violation as Severity Level IV. The violation is being cited in the Notice because the review identified that Montgomery General Hospital did not properly notify the NRC no later than 30 days after adding to or changing the areas of use identified in the application or on the license where byproduct material is used in accordance with 35.100 or 35.200. Specifically, a nuclear cardiology injection and stress test room was added on July 17, 2007, without notification to the NRC until September 26, 2011.

During our telephone conversation on November 7, 2011, you confirmed that a letter was sent to all the cardiologists on September 26, 2011, stating the requirement for notification to the NRC and requiring their signature to indicate that they understand the requirement. You further stated that Montgomery General Hospital is committed to radiation safety and to compliance with NRC regulations and license conditions and confirmed that both your authorized users had been informed of the notification requirement and the corrective actions established.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed in our records and in your correspondence dated September 26, 2011. Therefore, you are not required to respond to this letter unless the description of your corrective actions in this letter and your September 26, 2011 correspondence 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

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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](http://www.nrc.gov); select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's website at [www.nrc.gov](http://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 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

Please contact Robin Elliott at (610) 337-5076 if you have any questions regarding this matter.

Sincerely,

***Original signed by Joseph Nick***

Joseph Nick, Acting Chief  
Medical Branch  
Division of Nuclear Materials Safety

Enclosure:  
Notice of Violation

cc:  
Samuel R. Davis, M.D., Radiation Safety Officer  
State of West Virginia

V. Gay

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Sincerely,

***Original signed by Joseph Nick***

Joseph Nick, Acting Chief  
Medical Branch  
Division of Nuclear Materials Safety

Enclosure:  
Notice of Violation

cc:  
Samuel R. Davis, M.D., Radiation Safety Officer  
State of West Virginia

Distribution:  
D. J. Holody, RI

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**SUNSI Review Complete:** RElliott

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|--------|-------------|---|---------------|----------|--|--|
| OFFICE | DNMS/RI     | N | DNMS/RI       | DNMS/RI  |  |  |
| NAME   | RElliott RE |   | PLanzisera PL | JNick JN |  |  |
| DATE   | 11/21/2011* |   | 11/21/11*     | 12/6/11  |  |  |

\*see prior concurrence

OFFICIAL RECORD COPY

## NOTICE OF VIOLATION

Montgomery General Hospital  
Montgomery, WV

Docket No. 03035708  
License No. 47-25559-01

During an NRC in-office review of a license renewal application, and additional information submitted on September 26, 2011, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

- A. 10 CFR 35.14(b)(5) requires, in part, that a licensee must notify the Commission no later than 30 days after the licensee has added to or changed the areas of use identified in the application or on the license where by product material is used in accordance with 35.100 or 35.200.

Contrary to the above, Montgomery Hospital added an area of use and did not notify the Commission within 30 days of changing the use areas identified in the license application or on the license. Specifically, a nuclear cardiology injection and stress test room was added on July 17, 2007, without notification to the Commission until September 26, 2011.

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

The NRC has concluded that information regarding the reason for the violation, 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, DC 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 of receipt.

Dated This 6th day of December 2011