



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PENNSYLVANIA 19406-2713

June 28, 2013

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. 03003375/2013001, UNITED HOSPITAL CENTER, BRIDGEPORT, WEST VIRGINIA SITE AND NOTICE OF VIOLATION

Dear Mr. Tillman:

On April 29, 2013, Robin Elliott and Robert Gallagher 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 inspectors, interviews with personnel, and an examination of records. Additional information provided in correspondence dated May 1, 5, and 13, 2013, and during a telephone conversation on May 30, 2013, was 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 May 30, 2013.

Based on the results of this inspection, and in accordance with the NRC Enforcement Policy, the NRC has determined that two Severity Level IV violations of NRC requirements occurred. Specifically, United Hospital Center: (1) did not post the names and phone numbers of the authorized users, the authorized medical physicist, and the Radiation Safety Officer to be contacted if the HDR unit or console operates abnormally as required by 10 CFR 35.610(c)(2); and (2) did not post current copies of NRC Form 3, "Notice to Employees," and related postings as required by 10 CFR 19.11(a) and (b). 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 May 13, 2013. Specifically, United Hospital Center: (1) posted the names and telephone numbers of the authorized users, authorized medical physicists and the radiation safety officer at the treatment console; and (2) posted a note beside the NRC Form 3 that indicates where the regulations, license and operating procedures may be found. In addition, during a telephone conversation on May 30, 2013, United Hospital Center committed to compliance with NRC regulations and license conditions. 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 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(s), 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; Med, Ind, & Academic Uses**; 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 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement is not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

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

Sincerely,

Original signed by James P. Dwyer

James P. Dwyer, Chief
Medical Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

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

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Sincerely,
Original signed by James P. Dwyer
 James P. Dwyer, Chief
 Medical Branch
 Division of Nuclear Materials Safety

Enclosure:
 Notice of Violation
 cc:

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

Distribution:

D. J. Holody, RI

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OFFICE	DNMS/RI	N	DNMS/RI	N	DNMS/RI	N		
NAME	RGallagher/rlg		RElliott/re		JDwyer/jd			
DATE	6/26/13		6/26/13		6/28/13			

M. Tillman

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OFFICIAL RECORD COPY

NOTICE OF VIOLATION

United Hospital Center
Bridgeport, WV

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

During an NRC inspection conducted on April 29, 2013, as well as an in-office review of information provided by United Hospital Center (UHC) for which a telephonic meeting was conducted on May 30, 2013, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 35.610(c)(2) requires that the licensee post instructions at the unit console to inform the operator of the names and telephone numbers of the authorized users (AU), authorized medical physicist (AMP), and the Radiation Safety Officer (RSO) to be contacted if the unit or console operates abnormally.

Contrary to the above, on April 29, 2013, the licensee did not post instructions at the unit console to inform the operator of the names and telephone numbers of the AUs, AMP, and the RSO to be contacted if the unit or console operates abnormally. Specifically, UHC did not post the names and phone numbers of the RSO, the AU, and the two AMPs at the HDR console with the emergency procedures.

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

- B. 10 CFR 19.11 requires, in part, that the licensee post current copies of NRC Form 3, their license, and 10 CFR Parts 19 and 20.

Contrary to the above, on April 29, 2013, the licensee did not post current copies of NRC Form 3, their license, and 10 CFR Parts 19 and 20. Specifically, UHC did not post NRC Form 3, their license, and 10 CFR Parts 19 and 20 or a statement of where their license and the regulations could be viewed at any location in or around the HDR suite.

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 violations 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.

Notice of Violation
United Hospital Center

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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 28 day of June 2013