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CONTACT: [Diane Screnci](#), 610-337-5330
[Neil Sheehan](#), 610-337-5331

NRC Proposes \$3,500 Defense Health Agency Fine for Loss of Medical Purpose Radioactive Material

The Nuclear Regulatory Commission has [proposed](#) a \$3,500 civil penalty for a federal agency for the loss of nuclear material used during radiation therapy procedures.

The Falls Church, Virginia, Defense Health Agency oversees medical treatment facilities within the Department of Defense, including the Naval Medical Center in San Diego. On May 17, 2021, DHA reported to the NRC the loss of four brachytherapy seeds containing iodine-125 that were to be implanted for prostate cancer treatments at the center.

“In weighing the appropriate enforcement action in this case, we took into consideration the comprehensive steps taken by DHA to prevent a repeat occurrence. During a future inspection, we will verify the effectiveness of these changes,” said NRC Region I Administrator Dave Lew.

In a Dec. 9, 2021, [inspection report](#), the NRC identified the apparent violation. According to the lost source policy described in the NRC Enforcement Policy, a civil penalty is considered for all violations involving the loss of regulated material.

DHA believes the seeds, contained in a shielded box, were inadvertently disposed of as normal waste, which have not been recovered despite search efforts. The NRC believes the seeds are unlikely to cause permanent injury to a member of the public if encountered.

On Jan. 18, 2022, DHA responded to the inspection report and did not contest the apparent violation. The agency provided comprehensive information regarding corrective and preventative actions for the loss of the seeds, including the cessation of all brachytherapy procedures pending a root cause analysis and the identification of, and implementation of, actions that include revising procedures and enhancing training.

DHA will have 30 days to pay or contest the fine.