



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

January 8, 2013

Docket No. 03009218

License No. 47-15501-01

Anthony P. Zelenka  
Chief Administrative Officer  
City Hospital  
2500 Hospital Drive  
Martinsburg, WV 25401

SUBJECT: NRC INSPECTION REPORT NO. 03009218/2012001, CITY HOSPITAL,  
MARTINSBURG, WEST VIRGINIA SITE AND NOTICE OF VIOLATION

Dear Mr. Zelenka:

On November 15, 2012, Robin Elliott of this office conducted a safety inspection at the above address of activities authorized by your 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 a selective examination of representative records. The findings of the inspection were discussed with you, Sheila Hedden, Nuclear Medicine Supervisor, Ayoola Akinradewo, Ph.D., Medical Physicist, Edward Kiggundu, M.D., Radiation Oncologist, Selwyn Persad, Director of Nuclear Medicine, and Sherry Poffenberger, Nuclear Medicine Technologist, at the conclusion of the inspection.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that one violation of NRC requirements occurred. A Notice of Violation (Notice) is enclosed that categorizes this violation as Severity Level IV. The violation is being cited because City Hospital failed to maintain accountability at all times for all brachytherapy sources in storage or use. Specifically, City Hospital reported that three brachytherapy seeds were implanted in a patient on March 1, 2012 when, in fact, they were returned to the supplier.

We initially discussed corrective actions at our exit briefing on November 15, 2012. On December 11, 2012, you shared copies of the revised Policy No. RAD-NM-406 Nuclear Medicine Radiopharmaceutical Ordering, Securing, Custody and Return of I125 or PD103 Brachytherapy Seeds which included changes in source accountability. Going forward, the Medical Physicist will institute a procedure for double counting the seeds prior to return, verifying that count by counting the seeds on post implant imaging, and will be responsible for shipping the sources back to the supplier, a duty previously held by Nuclear Medicine staff. During our inspection exit meeting on January 8, 2013, you indicated that you have implemented the corrective actions and trained all personnel on the new procedure. You further stated that City Hospital is committed to radiation safety and to compliance with NRC regulations and licensed conditions.

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 December 11, 2012. Therefore,

you are not required to respond to this letter unless the description of your corrective actions in this letter and your December 11, 2012 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 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](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 James P. Dwyer***

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

Enclosure:  
Notice of Violation

cc:  
Dimitri Misailidis, M.D., Radiation Safety Officer  
State of West Virginia

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

Enclosure:  
Notice of Violation

cc:  
Dimitri Misailidis, M.D., Radiation Safety Officer  
State of West Virginia

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D. J. Holody, RI

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