



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

May 2, 2013

Docket No. 03012570

License No. 47-05322-02

Ronald Violi
Chief Executive Officer
Wheeling Hospital, Inc.
1 Medical Park
Wheeling, WV 26003-6300

SUBJECT: NRC INSPECTION REPORT NO. 03012570/2012001, WHEELING HOSPITAL, INC., WHEELING, WEST VIRGINIA SITE AND NOTICE OF VIOLATION

Dear Mr. Violi:

On November 19-20, 2012, Penny Lanzisera 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 inspector, interviews with personnel, and a selective examination of representative records. Additional information provided in the telephone conversation on February 22, 2013, by Dr. Thomas Neis and in a letter dated April 16, 2013, by Dr. Wayne Butler of your organization was also examined as part of the inspection. The findings of the inspection were discussed with Mr. Jim Murdy, CFO, of your organization at the conclusion of the on-site inspection.

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. The violations involved: 1) the failure to ensure that the high dose rate remote afterloader (HDR) console keys were secured from unauthorized access, when the HDR unit was not in use or unattended, as required by 10 CFR 35.610(a)(1); and 2) the failure to perform geometrical variation testing on three cubic centimeter syringes used in the nuclear medicine department, as required by 10 CFR 35.60(b).

The violations are cited in the enclosed Notice of Violation (Notice), because the violations were identified by the NRC.

During our inspection exit meeting on November 20, 2012, you stated that you have taken corrective and preventative actions to address each violation and that Wheeling Hospital, Inc. is committed to radiation safety and to compliance with NRC regulations and licensed conditions. Further, your staff stated verbally on February 22, 2013, and documented in an April 16, 2013, correspondence, that you have taken the following corrective and preventative actions:

- 1) Immediately locked the HDR console keys in a restricted area;
- 2) Retrained staff on console key control; and
- 3) Performed geometry testing for the three cubic centimeter syringe configuration.

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 are already adequately addressed in our records and in your correspondence dated April 16, 2013. Therefore, you are not required to respond to this letter unless the description of your corrective actions in this letter and your April 16, 2013, 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; 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 and 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.

R. Violi

3

Please contact Penny Lanzisera at 610-337-5169 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:
Thomas Neis, M.D., Radiation Safety Officer
State of West Virginia

R. Violi

3

Please contact Penny Lanzisera at 610-337-5169 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:
Thomas Neis, M.D., Radiation Safety Officer
State of West Virginia

Distribution:
D. J. Holody, RI

DOCUMENT NAME: G:\WordDocs\Current\Insp Letter\L47-05322-02.2012001.doc

ML13123A234

SUNSI Review Complete: PLanzisera

After declaring this document "An Official Agency Record" it will be released to the Public.

To receive a copy of this document, indicate in the box: "C" = Copy w/o attach/encl "E" = Copy w/ attach/encl "N" = No copy

OFFICE	DNMS/RI	N	DNMS/RI		DNMS/RI			
NAME	PLanzisera/pl		JDwyer/jd					
DATE	05/02/13		05/02/13					

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Wheeling Hospital, Inc.
Wheeling, WV

Docket No. 03012570
License No. 47-05322-02

During an NRC inspection conducted on November 19-20, 2012, with continued in-office review until April 16, 2013, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 35.60(b) requires, in part, that the licensee shall calibrate the instruments used to measure the activity of unsealed byproduct material in accordance with nationally recognized standards or the manufacturer's instructions.

Contrary to the above, as of November 19, 2012, Wheeling Hospital, Inc. did not calibrate instrumentation used to measure the activity of unsealed byproduct material in accordance with nationally recognized standards or the manufacturer's instructions. Specifically, the instrument was not calibrated for geometric independence for three cubic centimeter syringes used in the nuclear medicine department.

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

- B. 10 CFR 35.610(a)(1) requires, in part, that the licensee secure the high dose rate remote afterloader (HDR) unit, the console, the console keys, and the treatment room when not in use or unattended.

Contrary to the above, as of November 20, 2012, the licensee did not secure the HDR console keys when the HDR unit was not in use or when it was unattended. Specifically, the HDR keys were stored in an unlocked drawer near the password protected console.

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
Wheeling Hospital, Inc.

2

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 2 day of May 2013