



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

REGION III  
2443 WARRENVILLE RD. SUITE 210  
LISLE, IL 60532-4352

March 21, 2016

Mr. Craig Adams, Director  
National Health Physics Program (115 HP/NLR)  
Department of Veterans Affairs  
Veterans Health Administration  
2200 Fort Roots Drive  
North Little Rock, AR 72114

SUBJECT: NRC INSPECTION REPORT 03034325/2015004(DNMS) – VA MEDICAL  
CENTER, MARTINSBURG, WEST VIRGINIA

Dear Mr. Adams:

On January 11, 2016, the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection at the VA Medical Center, Martinsburg, West Virginia, with continued in-office review through February 25, 2016. The inspection was limited to a review of activities authorized under Permit Number 47-00714-02. The inspector conducted an exit meeting on March 1, 2016, with the management and staff at the facility.

The purpose of the in-office review was to review the circumstances pertaining to the permittee's possession of a sealed source that was not authorized on the permit. Since February 2013, the permittee was in possession of a specifically licensed device containing 40 millicuries of cadmium-109 (Thermo Scientific model XFB-3 source contained in a Niton x-ray fluorescence lead paint analyzer). The vendor thought that the medical center's permit authorized the material and shipped them the specifically licensed device.

The vendor obtained a copy of the medical center's permit and noted that they were authorized for "any byproduct material." The vendor interpreted the authorization to mean that the medical center was authorized to receive the cadmium-109 source. However, the authorization on the permit for "any byproduct material" was only for material identified in specific sections of Title 10 of the *Code of Federal Regulations* (CFR) Part 35. The device containing the source was ordered and received by the medical center's safety office in February 2013. The permittee was not authorized to receive the cadmium-109 source, which is a specifically licensed source and device.

As a result of the above, the inspector identified a minor violation of License Condition 10 of the Department of Veterans Affairs (DVA) Master Materials License. License Condition 10 states, in part, that material may be used at DVA facilities as authorized by permits issued by the National Radiation Safety Committee. The inspector identified that the medical center possessed a 40 millicurie cadmium-109 Thermo Scientific model XFB-3 source contained in a Niton x-ray fluorescence lead paint analyzer device, and the source was not authorized on the permit.

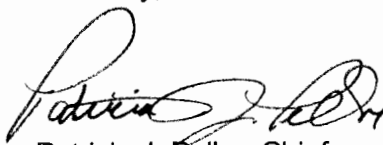
In accordance with the NRC Enforcement Policy, the minor violation is not being cited. As an immediate corrective action, on February 11, 2016, the permit was amended to add the source. As a long term corrective action, the permittee is planning to dispose of the device containing the source.

The inspection was an examination of activities conducted under the Permit as they relate to radiation safety and to compliance with the Commission's rules and regulations. Within these areas, the inspection consisted of selective examinations of procedures and representative records, interviews with personnel, independent measurements, and observation of activities in progress. Within the scope of the inspection no violations of NRC's requirements were identified; therefore, no response to this letter or the enclosed NRC Form 591M is required.

In accordance with Title 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html>.

Should you have any questions concerning this inspection or the enclosed report, please contact Kevin Null of my staff at (630) 829-9854.

Sincerely,



Patricia J. Pelke, Chief  
Materials Licensing Branch  
Division of Nuclear Materials Safety

Docket No. 030-34325  
License No. 03-23853-01VA  
Permit No. 47-00714-02

Enclosure:  
IR 03034325/2015004(DNMS)



## SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

## 1. LICENSEE/LOCATION INSPECTED:

Department of Veterans Affairs  
Under Secretary for Health  
Washington, D.C.  
Location: VA Medical Center, Martinsburg, West Virginia

REPORT NUMBER(S) 2015-004

## 2. NRC/REGIONAL OFFICE

Region III  
U. S. Nuclear Regulatory Commission  
2443 Warrenville Road, Suite 210  
Lisle, IL 60532-4352

## 3. DOCKET NUMBER(S)

030-34325

## 4. LICENSE NUMBER(S)

03-23853-01VA

## 5. DATE(S) OF INSPECTION

January 11, 2016, through  
February 25, 2016

## LICENSEE:

The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Nuclear Regulatory Commission (NRC) rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector. The inspection findings are as follows:

- ☒ 1. Based on the inspection findings, no violations were identified.
- ☐ 2. Previous violation(s) closed.
- ☐ 3. The violation(s), specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is being taken, and the remaining criteria in the NRC Enforcement Policy, to exercise discretion, were satisfied.

Non-cited violation(s) were discussed involving the following requirement(s):

- ☐ 4. During this inspection, certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited in accordance with NRC Enforcement Policy. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11.  
(Violations and Corrective Actions)

## Statement of Corrective Actions

I hereby state that, within 30 days, the actions described by me to the Inspector will be taken to correct the violations identified. This statement of corrective actions is made in accordance with the requirements of 10 CFR 2.201 (corrective steps already taken, corrective steps which will be taken, date when full compliance will be achieved). I understand that no further written response to NRC will be required, unless specifically requested.

TITLE	PRINTED NAME	SIGNATURE	DATE
LICENSEE'S REPRESENTATIVE			
NRC INSPECTOR	Robert Gallagher		3/18/2016
BRANCH CHIEF	Patricia J. Pelke		3/18/2016

**Docket File Information**

**SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION**

1. LICENSEE/LOCATION INSPECTED:  Department of Veterans Affairs Under Secretary for Health Washington, D.C. Location: VA Medical Center, Martinsburg, West Virginia  REPORT NUMBER(S) 2015-004	2. NRC/REGIONAL OFFICE  Region III U. S. Nuclear Regulatory Commission 2443 Warrenton Road, Suite 210 Lisle, IL 60532-4352
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3. DOCKET NUMBER(S)  030-34325	4. LICENSE NUMBER(S)  03-23853-01VA	5. DATE(S) OF INSPECTION  January 11, 2016, through February 25, 2016
6. INSPECTION PROCEDURES USED  87130	7. INSPECTION FOCUS AREAS  02.01-02.07	

**SUPPLEMENTAL INSPECTION INFORMATION**

1. PROGRAM CODE(S)  02121	2. PRIORITY  5	3. LICENSEE CONTACT  Craig Adams, NHPP	4. TELEPHONE NUMBER  (501) 257-1573
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☐ Main Office Inspection      Next Inspection Date:      N/A

☒ Field Office Inspection      Martinsburg, WV

☐ Temporary Job Site Inspection

**PROGRAM SCOPE**

This was a routine unannounced inspection. The permittee is a regional medical institution licensed for 10 CFR 35.100 and 35.200 materials. The nuclear medicine department is staffed with five full time nuclear medicine technicians and operates Monday through Friday from 7:00 am until 4:30 pm, no weekends or evenings. The department operates two imaging rooms and one stress room, as well as a PET area. Principle procedures performed included cardiac imaging, HIDA (gall bladder), gastric emptying procedures, and thyroid uptake studies. Currently the PET patient load is 2-3 per day. The inspector was informed that the permittee was planning to use iodine-131 ( $\leq 30$  mCi) in approximately six months, which will result in a change in their program code and inspection priority. The permittee used unit doses only, and all doses were assayed in a dose calibrator prior to administration. The inspector observed a patient injection for a nuclear medicine procedure (32.7 mCi Sestamibi) with no issues noted. The technologist demonstrated a good understanding of health physics practices, as well as a responsibility to properly secure permitted materials.

The permittee used a consulting health physics service, Krueger-Gilbert, as both Radiation Safety Officer (Wendy Charlton) and for auditing, training, etc. The consultant is on site at least monthly (sometimes two times per month) and also performed quarterly health physics visits which included auditing specific sections of the radiation safety program. The inspector performed independent radiological surveys and confirmed that all readings were in compliance with regulatory requirements and consistent with permittee postings. The inspector reviewed annual program reviews, audits, personnel dosimetry, and leak test/inventory records.

The inspector identified a minor violation of License Condition 10 of the Department of Veterans Affairs (DVA) Master Materials License. License Condition 10 states, in part, that material may be used at DVA facilities as authorized by permits issued by the National Radiation Safety Committee. The inspector identified that the medical center possessed a 40 millicurie cadmium-109 Thermo Scientific model XFB-3 source contained in a Niton x-ray fluorescence lead paint analyzer device, and the source was not authorized on the permit. In accordance with the NRC Enforcement Policy, the minor violation is not being cited.

## Docket File Information

## SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

## 1. LICENSEE/LOCATION INSPECTED:

Department of Veterans Affairs  
Under Secretary for Health  
Washington, D.C.  
Location: VA Medical Center, Martinsburg, West Virginia

REPORT NUMBER(S) 2015-004

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Region III  
U. S. Nuclear Regulatory Commission  
2443 Warrenton Road, Suite 210  
Lisle, IL 60532-4352

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02.01-02.07

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02121

## 2. PRIORITY

5

## 3. LICENSEE CONTACT

Craig Adams, NHPP

## 4. TELEPHONE NUMBER

(501) 257-1573

☐ Main Office Inspection

Next Inspection Date: N/A

☒ Field Office Inspection Martinsburg, WV☐ Temporary Job Site Inspection

## PROGRAM SCOPE

The device containing the source was ordered and received by the medical center's safety office in February 2013. The vendor obtained a copy of the medical center's permit and saw that they were authorized for "any byproduct material." The vendor interpreted the authorization to mean that the medical center was authorized to receive the cadmium-109 source. However, the authorization on the permit for "any byproduct material" was only for material identified in specific sections of 10 CFR Part 35. The permittee was not authorized to receive the particular cadmium-109 source, which is a specifically licensed source and device. The vendor should have sent them a generally licensed source and device.

The source was adequately secured, and had been properly leak-tested. As an immediate corrective action, on February 11, 2016, the permit was amended to add the source. As a long term corrective action, the permittee is planning to dispose of the material.

No items of non-compliance were identified during this inspection.

In accordance with the NRC Enforcement Policy, the minor violation is not being cited. As an immediate corrective action, on February 11, 2016, the permit was amended to add the source. As a long term corrective action, the permittee is planning to dispose of the device containing the source.

The inspection was an examination of activities conducted under the Permit as they relate to radiation safety and to compliance with the Commission's rules and regulations. Within these areas, the inspection consisted of selective examinations of procedures and representative records, interviews with personnel, independent measurements, and observation of activities in progress. Within the scope of the inspection no violations of NRC's requirements were identified; therefore, no response to this letter or the enclosed NRC Form 591M is required.

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Should you have any questions concerning this inspection or the enclosed report, please contact Kevin Null of my staff at (630) 829-9854.

Sincerely,

/RA/

Patricia J. Pelke, Chief  
Materials Licensing Branch  
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Enclosure:  
IR 03034325/2015004(DNMS)

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