

January 8, 2007

Docket No. 03003203
CAL No. EA-04-215

License No. 37-13831-01

L.K. Thompson
Administrator
The Milton S. Hershey Medical Center
The Pennsylvania State University
P.O. Box 850
Hershey, PA 17033

SUBJECT: COMPLETION OF ACTIONS BY MILTON S. HERSHEY MEDICAL CENTER (MSHMC), AS SET FORTH IN LETTERS DATED SEPTEMBER 28, 2006, AND OCTOBER 20, 2006, IN RESPONSE TO AN NRC CONFIRMATORY ORDER DATED OCTOBER 14, 2005

Dear Mr. Thompson:

The purpose of this letter is to acknowledge receipt of your letters dated September 28, 2006, and October 20, 2006, which describe the actions you have completed in response to the Confirmatory Order issued to you by the U.S. Nuclear Regulatory Commission (NRC) on October 14, 2005. In addition, NRC Region I conducted an inspection (NRC Inspection No. 03003203/2006-001) of your program on January 26, 2006, as a follow-up to our Confirmatory Order, to verify implementation of your immediate corrective actions, assess the status of your long-term corrective actions, and to determine if the corrective actions implemented met the criteria described in the Confirmatory Order.

To ensure that similar violations would not occur, and to communicate the issues involving unauthorized use of licensed material by licensee employees, the NRC Confirmatory Order required that: (1) the Radiation Safety Officer (RSO) prepare an article to be published in the Journal of Operational Radiation Safety addressing the topics listed in Item 4 on page 2 of the Confirmatory Order; (2) the RSO and the Chief Nuclear Medicine Technologist prepare an article and submit it for publication in the Journal of Nuclear Medicine Technology addressing the topics listed in Item 4 on page 2 of the Confirmatory Order; (3) the RSO prepare and submit abstracts for presentation at a meeting of the Health Physics Society and a meeting of the American Association of Physicists in Medicine addressing the topics listed in Item 4 on page 2 of the Confirmatory Order; (4) the Chief of Nuclear Medicine submit an agenda item for presentation to the Advisory Committee on the Medical Use of Isotopes (ACMUI) to determine whether additional actions need to be taken to address instances of unauthorized use of licensed material by licensee employees; (5) the RSO prepare and submit scenarios on the list server for the Association of Radiation Safety Officers; and (6) the MSHMC staff include in its orientation for students and new employees information describing the violation that is the subject of the Confirmatory Order; and, (7) the MSHMC staff include this violation as a topic in periodic retraining for current employees. You were also required to complete these items no

later than one year from the date of the Confirmatory Order, and provide the NRC with a final written report once all items were completed.

Based on the results of the inspection conducted on January 26, 2006, the NRC determined that the articles, abstracts, presentations, and scenarios were prepared as required by the Confirmatory Order and included the following information: (1) acknowledgment that a condition occurred that put MSHMC in violation of NRC requirements; (2) the need to establish an environment and culture that promotes regulatory compliance through the implementation of controls and processes; (3) the need to ensure that all employees, including new employees and students, are trained and oriented in NRC requirements; (4) the importance of continued self-assessment of programs and processes to ensure that these programs and processes are delivering the desired outcomes; and (5) the need to promptly address any employee performance issue to avoid actions that could lead to violations of NRC requirements. In addition, your letters dated September 26, 2006, and October 20, 2006, stated that, based on your RSO and Associate RSO's availability, a presentation was made at the Annual Meeting of the American College of Medical Physics (ACMP) instead of a meeting of the American Association of Physicists in Medicine (AAPM) as requested in the Confirmatory Order. You also noted that members of the ACMP are also members of the AAPM, and a longer presentation was made at the ACMP then would have been possible at the AAPM.

Based on the above, we have concluded that you have satisfied the terms of the Order and have no further questions.

A copy of this letter, and your September 26, 2006, and October 20, 2006, letters will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions or comments, please contact Ms. Pamela Henderson, Branch Chief, NRC Region I, Division of Nuclear Materials Safety, Medical Branch, at 610-337-6952.

Sincerely,

/RA/

Samuel J. Collins
Regional Administrator

later than one year from the date of the Confirmatory Order, and provide the NRC with a final written report once all items were completed.

Based on the results of the inspection conducted on January 26, 2006, the NRC determined that the articles, abstracts, presentations, and scenarios were prepared as required by the Confirmatory Order and included the following information: (1) acknowledgment that a condition occurred that put MSHMC in violation of NRC requirements; (2) the need to establish an environment and culture that promotes regulatory compliance through the implementation of controls and processes; (3) the need to ensure that all employees, including new employees and students, are trained and oriented in NRC requirements; (4) the importance of continued self-assessment of programs and processes to ensure that these programs and processes are delivering the desired outcomes; and (5) the need to promptly address any employee performance issue to avoid actions that could lead to violations of NRC requirements. In addition, your letters dated September 26, 2006, and October 20, 2006, stated that, based on your RSO and Associate RSO's availability, a presentation was made at the Annual Meeting of the American College of Medical Physics (ACMP) instead of a meeting of the American Association of Physicists in Medicine (AAPM) as requested in the Confirmatory Order. You also noted that members of the ACMP are also members of the AAPM, and a longer presentation was made at the ACMP then would have been possible at the AAPM.

Based on the above, we have concluded that you have satisfied the terms of the Order and have no further questions.

A copy of this letter, and your September 26, 2006 and October 20, 2006, letters will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions or comments, please contact Ms. Pamela Henderson, Branch Chief, NRC Region I, Division of Nuclear Materials Safety, Medical Branch, at 610-337-6952.

Sincerely,

Samuel J. Collins
Regional Administrator

Distribution :

ADAMS (PARS)
SECY
OCA
OEMAIL
OEWEB
L Reyes, EDO
M Virgilio, DEDMRT
C Carpenter, OE
L Lopez, OE
O Samuel, OE
S Merchant, OE
L Sreenivas, OE
C Miller, FSME
G Pangburn, FSME
J Schlueter, FSME
D Rathbun, FSME
B Sosa, RI OEDO
L Chandler, OGC
B Jones, OGC

M Elwood, OGC
S Gagner, OPA
H Bell, OIG
G Caputo, OI
L Tremper, OC
Enforcement Coordinators, RII, RIII, RIV
B Holian, RI
P Henderson, RI
D Screnci/N Sheehan, PAO-RI
K Farrar, RI
D Holody, RI
R Summers, RI
J Wray, RI
C O'Daniell, RI
S Villar, RI
RI OE Files (w/concurrences)

DOCUMENT NAME: C:\FileNet\ML070080307.wpd

SUNSI Review Complete: DJanda (Reviewer's Initials)

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	RI/DNMS	N	RI/DNMS	RI/DNMS	RI/ORA
NAME	DJanda		PHenderson	BHolian	DHolody
DATE	11/29/06		11/29/06	12/01/06	01/05/07
OFFICE	RI/RC	OE	RI/RA		
NAME	KFarrar	Luchman*	SCollins/MLD for		
DATE	12/11/06	01/04/07	1/8/07		

OFFICIAL RECORD COPY

* review not required per e-mail from SMerchant 1/4/07