



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

April 18, 2007

IA No. 06-312

Ching-Chong (Jack) Yang, Ph.D.

HOME ADDRESS DELETED
UNDER 10 CFR 2.390

SUBJECT: NRC PREDECISIONAL ENFORCEMENT CONFERENCE

Dear Dr. Yang:

This letter refers to the Predecisional Enforcement Conference held with you on February 22, 2007. A copy of the Conference Summary is enclosed.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm.html> (the Public Electronic Reading Room). However, the NRC will delay making available a copy of this letter until an enforcement decision has been made. At that time, in accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, with your home address removed, will be made available to the Public, if enforcement action is taken.

I expect that the NRC's final decision regarding enforcement will be issued shortly.

Sincerely,

/RA/

Brian E. Holian, Director
Division of Nuclear Materials Safety

Enclosure:
Predecisional Enforcement Conference Summary

April 18, 2007

IA No. 06-312

Ching-Chong (Jack) Yang, Ph.D.
**HOME ADDRESS DELETED
UNDER 10 CFR 2.390**

SUBJECT: NRC PREDECISIONAL ENFORCEMENT CONFERENCE

Dear Dr. Yang:

This letter refers to the Predecisional Enforcement Conference held with you on February 22, 2007. A copy of the Conference Summary is enclosed.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm.html> (the Public Electronic Reading Room). However, the NRC will delay making available a copy of this letter until an enforcement decision has been made. At that time, in accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, with your home address removed, will be made available to the Public, if enforcement action is taken.

I expect that the NRC's final decision regarding enforcement will be issued shortly.

Sincerely,
/RA/
Brian E. Holian, Director
Division of Nuclear Materials Safety

Enclosure:
Predecisional Enforcement Conference Summary

Distribution:
*PUBLIC
*SECY
*CA
*OE:IA (OEMAIL)
S. Merchant, OE
D. Solorio, OE
E. Wilson, OI
D. Holody, RI

K. Farrar, RI
R. Summers, RI
A. DeFrancisco, RI
P. Henderson, RI
C. O'Daniell, RI
S. Villar, RI

***DO NOT PLACE IN PDR UNTIL AND UNLESS ENFORCEMENT ACTION (i.e., AN NOV OR ORDER) IS TAKEN AGAINST THIS INDIVIDUAL**

THIS DOCUMENT IS SENSITIVE AND SHOULD BE NON-PUBLIC

SUNSI Review Complete: Pjh1 (Reviewer's Initials)

Accession # ML071080500

DOCUMENT NAME: G:\Docs\Current\Conf Report\YANG LTR-CONF REPORT.WPD

After declaring this document "An Official Agency Record" it will/will not be released to the Public.

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

| OFFICE | RI/DNMS | RI/DNMS | RI/DNMS | RI/DNMS | RI/DNMS | RI/DNMS |
|--------|----------|----------------|------------------------|------------------|--------------|---------|
| NAME | S Xu ssx | M Simmons mrs5 | T Thompson pjh1 for | P Henderson pjh1 | D Holody djh | |
| DATE | 3/29/07 | 3/29/07 | 3/29/07 | 3/29/07 | 4/10/07 | |

| OFFICE | RI/DNMS | RI/DNMS | RI/DNMS | RI/DNMS | RI/DNMS | RI/DNMS |
|--------|------------------|---------|---------|---------|---------|---------|
| NAME | B Holian jdk for | | | | | |
| DATE | 4/2/07 | | | | | |

OFFICIAL RECORD COPY

**U.S. NUCLEAR REGULATORY COMMISSION
REGION I**

ENFORCEMENT CONFERENCE SUMMARY

Individual Action No.: 06-312
Individual: Ching-Chong (Jack) Yang, PhD
Conference Date and Time: February 22, 2007 at 9:00 a.m.
Conference Location: NRC Region I, King of Prussia, Pennsylvania

| | | |
|--------------|--|----------------|
| | /RA/ | 3/29/07 |
| Inspectors: | _____ | _____ |
| | Shirley Xu Health Physicist | date |
| | /RA by P. Henderson Actg For/ | 3/29/07 |
| | _____ | _____ |
| | Thomas Thompson Senior Health Physicist | date |
| | /RA/ | 3/29/07 |
| Approved By: | _____ | _____ |
| | Pamela J. Henderson, Chief Medical Branch Division of Nuclear Materials Safety | date |

CONFERENCE SUMMARY

NRC Predecisional Enforcement Conference, Office of Investigations
Report Nos. 1-2005-017 and 1-2006-015

On February 22, 2007, Ching-Chong (Jack) Yang, PhD, Medical Physicist, met with NRC management in the Region I office located in King of Prussia, Pennsylvania. The meeting was held to discuss the findings described in NRC Office of Investigations (OI) Report Nos. 1-2005-017 and 1-2006-015 that Dr. Yang deliberately submitted inaccurate information to two NRC licensees, which caused the licensees to be in violation of NRC regulations. The meeting was closed to the public.

Brian Holian, NRC Region I Director, Division of Nuclear Materials Safety (DNMS), made the opening remarks and briefly described the purpose of the conference. John Wray, NRC Region I Enforcement Specialist, described the NRC Enforcement Policy and process. Pamela Henderson, Chief, Medical Branch, (DNMS), reviewed the apparent violation described in the OI report.

Dr. Yang stated that he believed the information submitted to him by his employee, Lee-Cheng (Jean) Peng, which he later submitted to the NRC, was accurate, including the listing in Ms. Peng's Curriculum Vitae of clinical experience between December 2004 and January 2005. Dr. Yang said that Ms. Peng came to work with him during the last week of December 2004 and the month of January 2005 at Monmouth Medical Center (MMC) and one to three times in the evening in December 2004 and January 2005 at Englewood Hospital and Medical Center (EHMC) in preparation for her employment at EHMC which began in February 2005. Dr. Yang said that, from his perspective, Ms. Peng's work with him in December 2004 and January 2005 constituted clinical experience. Dr. Yang also stated that Ms. Peng worked for three years in Taiwan under the supervision of a colleague of Dr. Yang and that she was very familiar with the high dose rate remote afterloader (HDR) unit and treatment planning, which from Dr. Yang's perspective, confirmed her experience and training.

The NRC staff questioned Dr. Yang regarding the extent and adequacy of this training, and how it was communicated to the NRC.

Dr. Yang stated that he would take the following corrective actions: (1) ensure the accuracy of all training and experience information prior to providing it to the NRC; and, (2) perform a review of NRC regulations to ensure compliance.

Mr. Wray provided closing comments on the Enforcement Policy.

Mr. Holian thanked Dr. Yang and his attorney for their attendance and adjourned the meeting.

LIST OF PERSONS ATTENDING

Individual

Ching-Chong (Jack) Yang, Ph.D., Medical Physicist

Individual's Attorney

Raymond H. Wong, Esq.

NRC

Brian E. Holian, Director, Division of Nuclear Materials Safety (DNMS)

Pamela Henderson, Chief, Medical Branch, DNMS

Shirley Xu, Health Physicist, Medical Branch, DNMS

Thomas Thompson, Senior Health Physicist, R & D Branch, DNMS

Michelle Simmons, Health Physicist, Medical Branch, DNMS

Daniel Holody, Team Leader, ORA

John Wray, Enforcement Specialist, ORA

Anne DeFrancisco, Enforcement Specialist, ORA

Karl Farrar, Regional Counsel, ORA

Ernest P. Wilson, Director, OI

Jeffrey Ferich, OI Investigator

Sally Merchant, Senior Enforcement Specialist, Office of Enforcement (OE)

Mary K. Fahey, OI

Leela Sreenivas, Enforcement Specialist, OE

Gregory Morell, FSME