



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

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

March 1, 2017

IA-16-025

Mr. Roy Taylor
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390(a)]

SUBJECT: NOTICE OF VIOLATION – NRC INVESTIGATION REPORT NO. 3-2015-011

Dear Mr. Taylor:

This letter refers to an investigation completed on March 18, 2016, by the U.S. Nuclear Regulatory Commission's (NRC) Office of Investigations (OI) regarding a patient post treatment report involving a high dose rate (HDR) remote after loader treatment. The purpose of the investigation was to determine if you, while working as a medical physicist at Botsford General Hospital, falsified a medical treatment report.

In our letter, dated October 12, 2016, we attempted to transmit to you a factual summary of the investigation report and provide you the opportunity to address the apparent violation identified in the summary by: (1) attending a predecisional enforcement conference (PEC), (2) providing a written response, or (3) attending an alternative dispute resolution (ADR) session before we made our final enforcement decision. However, this letter was returned as undeliverable. On February 10, 2017, we again attempted to contact you but you have not responded. Therefore, the NRC is proceeding with its enforcement action based on the results of the OI investigation.

Based on the information developed during the investigation, the NRC has determined that a deliberate violation of NRC requirements occurred. The violation involved you submitting information to Botsford General Hospital that you knew to be incomplete or inaccurate in some respect material to the NRC, contrary to the requirements of Title 10 of the *Code of Federal Regulations* (CFR) 30.10(a)(2). Specifically, you provided a patient treatment report to your managers that appeared to have been altered, which reflected that the treatment was delivered as planned, when it was not. A medical physicist contracted by Botsford General Hospital identified that the record you provided showed signs of tampering and was inconsistent with the record in the treatment system. As a result, the license initiated an internal investigation. As part of the investigation, hospital staff identified the cut-and-paste documents in your office. When questioned by your management regarding the altered treatment report, you did not provide any answers. Based on the falsified document and the lack of information provided by you, the licensee terminated your employment. Your deliberate actions placed you in violation of 10 CFR 30.10, "Deliberate Misconduct." Given the significance of the underlying issue and the deliberate nature of your actions, this violation has been categorized in accordance with the NRC Enforcement Policy at Severity Level III. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation is cited in Enclosure 1, Notice of Violation (Notice).

You should be aware that if you are involved in NRC-licensed activities in the future, additional deliberate violations could result in more significant enforcement action or criminal action. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

If you disagree with this enforcement sanction, you may deny the violation, as described in the Notice, or you may request ADR with the NRC in an attempt to resolve this issue. This request must be made within 30 days of the issuance date of the Notice. ADR is a general term encompassing various techniques for resolving conflict outside of court using a neutral third party. The technique that the NRC has decided to employ is mediation. Additional information concerning the NRC's program is described in enclosure (2) brochure (NUREG/BR-0317) and can be obtained at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>. The Institute on Conflict Resolution (ICR) at Cornell University has agreed to facilitate NRC's program as an intake neutral. **Please contact ICR at 607-255-1124 within 10 days of the date of this letter if you are interested in pursuing resolution of this issue through ADR. In addition, if you choose this option, also please contact Rick Skokowski at 630-810-4373 within 10 days of the date of this letter.**

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's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's Web site at <http://www.nrc.gov/reading-rm/adams.html>, in 45 days, unless you provide a sufficient basis to withdraw this violation within the 30 days specified above for responding to the Notice. 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. The NRC also includes significant enforcement actions on its Web site at (<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>).

In addition, this letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, Enforcement Actions Against Individuals. This system, which is not publicly-accessible, includes all records pertaining to individuals who are being or have been considered for enforcement action, whether such action was taken or not. The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC's Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

R. Taylor

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Please feel free to contact Rick Skokowski of my staff at 630-810-4373 if you have any questions.

Sincerely,

/RA by Darrell J. Roberts Acting for/

Cynthia D. Pederson
Regional Administrator

Enclosure:

1. Notice of Violation
2. Brochure (NUREG/BR-0317)

USPS EXPRESS MAIL
RETURN RECEIPT REQUESTED

R. Taylor

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Letter to Roy Taylor from Cynthia D. Pederson dated March 1, 2017

SUBJECT: NOTICE OF VIOLATION – NRC INVESTIGATION REPORT NO. 3-2015-011

DISTRIBUTION:

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ADAMS Accession Number: ML17065A322

OFC	RIII/EICS	RIII/DNMS	RIII/DNMS	EO	OGC	RIII/EICS	RIII/ORA
NAME	SB for KLambert:jc	AMcCraw	JGiessner	PHolahan ¹	Vrahoretis	RSkokowski	CPedersohn DJR for
DATE	01/03/17	01/05/17	01/09/17	02/15/17	02/15/17	0223/17	03/01/17

OFFICIAL RECORD COPY

¹ OE/OGC/NMSS Concurrence received by Kerstun Norman email dated February 15, 2017.

NOTICE OF VIOLATION

Roy Taylor
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390(a)]

IA-16-025

During a U.S. Nuclear Regulatory Commission (NRC) investigation completed on March 18, 2016, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of the *Code of Federal Regulations* (CFR) 30.10(a)(2) requires, in part, that any employee of a licensee may not deliberately submit to a licensee information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the NRC.

Contrary to the above, on July 10, 2014, you deliberately provided false information to Botsford General Hospital that you knew to be inaccurate in some respect material to the NRC. Specifically, you provided inaccurate information in a post-treatment report indicating that a medical procedure had gone forward as planned, when it had not. The information was material to the NRC because it involved the results of a medical treatment using licensed radioactive material and whether the treatment was delivered correctly and in accordance with the written directive.

This is a Severity Level III violation (Section 6.9).

Pursuant to the provisions of 10 CFR 2.201, you are hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region III, 2443 Warrenville Road, Lisle, IL 60532 and marked "Open by Addressee Only," within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation; IA-16-025" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken; and (4) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued requiring information as to why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Your response will be made available electronically for public inspection in the NRC Public Document Room and in the NRC's Agencywide Document Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or

Enclosure

safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

This letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, Enforcement Actions Against Individuals. This system, which is not publicly-accessible, includes all records pertaining to individuals who are being or have been considered for enforcement action, whether such action was taken or not. The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

Dated this 1st day of March 2017