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JAN 04 1991

West Allis Memorial Hospital
ATTN: Matthew W. Elson, M.D.
Chairman, Department
of Radiology
8901 W. Lincoln Avenue
West Allis, WI 53227

License No.: 48-13249-02
Docket No.: 030-09405
EA 90-220

Gentlemen:

SUBJECT: NOTICE OF VIOLATION (NRC INVESTIGATION REPORT NO. 3-90-007)

This refers to your request dated August 3, 1989, to include Dr. Richard G. Weekes as an authorized user on your NRC Byproduct Material License No. 48-13249-02.

After review of the NRC Form 313, Supplement B, Preceptor Statements submitted to the NRC in April 1988, April 1989, and August 1989, documenting Dr. Weekes' training and experience, it appeared that two of the preceptor statements contained a fraudulent preceptor signature and there were data discrepancies between the statements.

Based upon the above information, the NRC's Office of Investigation (OI) was requested to perform an investigation of the apparent fraudulent information. The OI investigation determined that the signature of the preceptor on the preceptor statements submitted in April 1988, and April 1989 was forged. However, there was insufficient evidence to determine who forged the signature. Additionally, the investigation found no deliberate violations by Dr. Weekes regarding the discrepancies in data between the preceptor statements. A copy of the synopsis of this OI investigation is enclosed.

During this investigation by OI, certain of your activities appeared to be in violation of NRC requirements, as specified in the enclosed Notice of Violation (Notice). A written response is required. Completeness and accuracy of the information provided to the NRC by licensees is critically important to the NRC's regulatory program. I am concerned that effective systems were not in place to assure that information submitted to the NRC was correct. In preparing your response to the enclosed Notice, please review your system for preparing, reviewing, and approving submittals to the NRC. That system must be effective to prevent recurrence of this violation.

In addition, please note that our review of Dr. Weekes' qualifications concluded that his training and experience is in accordance with NRC requirements. Therefore, also enclosed is Amendment No. 39 to your NRC license to include Dr. Weekes as an authorized user.

In accordance with 10 CFR 2.790 of the Commission's regulations, a copy of this letter, the enclosures, and your response to this letter will be placed in the NRC Public Document Room.

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The response directed by this letter and the accompanying Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

We will gladly discuss any questions you have concerning this licensing action and subsequent OI investigation.

Sincerely,

John A. Grobe, Chief
Nuclear Materials Safety Branch

Enclosures:

- 1. OI Synopsis No. 3-90-007
- 2. Notice of Violation
- 3. Amendment No. 39

cc w/enclosures:
DCD/DCB (RIDS)

bcc w/enclosures:
J. Lieberman, OE
E. Pawlik, OI

RIII
Frazier/rr
1/3/91

RIII
McCann
1/3/91

yes 2 copies
EA
OI file
RIII
CP
Pederson
1/3/91

RIII
Grobe
1/11/91

SYNOPSIS

On April 13, 1990, the NRC Region III Regional Administrator requested that an investigation be initiated concerning (1) alleged falsification of preceptor statement data, and (2) a possible fraudulent preceptor signature. If the alleged falsifications were substantiated, the investigation was also to determine the identity of the perpetrator.

The OI investigation determined that the preceptor's signature on a preceptor statement was forged, but there was insufficient evidence to determine by whom. Additionally, the physician submitting the questioned documents attributed the discrepancies in his experience between the two preceptor statements to a typing error. The investigation found no deliberate violation on the physician's part relating to these discrepancies.