



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

May 14, 1997

Public ~~RE-07~~
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IA 97-029

Tom Ussher
8216 M. 5 Road
Gladstone, MI 49837

SUBJECT: NRC INSPECTION REPORT NO. 030-11102/96001(DNMS) AND INVESTIGATION
REPORT NO 3-96-039

Dear Mr. Ussher:

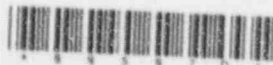
This refers to the inspection conducted on July 15, 1996, with continuing NRC review through November 8, 1996, and the investigation conducted by the NRC Office of Investigations (OI) from July 29 through November 8, 1996, at the St. Francis Hospital (SFH) in Escanaba, Michigan. The inspection report, which included a synopsis of the OI investigation, was sent to SFH by a letter dated January 3, 1997 (Enclosure 1).

Based on the inspection and the OI investigation findings, the NRC has determined that you engaged in deliberate misconduct, a violation of 10 CFR 30.10(a)(1). Specifically, while working in the nuclear medicine department on July 15, 1996, you deliberately falsified records concerning the molybdenum-99/technetium-99m concentration test, the dose calibrator constancy test, and the daily area surveys, in that you entered information into the records and administered doses to patients before actually performing the tests.

By failing to perform these tests prior to filling out the paper records, you were deprived of important information such as knowing whether the dose calibrator was operating properly before you administered doses to patients. As a result of your actions, you caused SFH to be in violation of several NRC requirements as described in the Notice of Violation and a Proposed Imposition of Civil Penalty, which is being issued to SFH (Enclosure 2).

Although you were not formally trained in nuclear medicine studies, you were provided with instruction prior to acting as the nuclear medicine technologist. The instruction addressed the tests and procedures you were required to perform, including the tests mentioned above. Deliberate misconduct is of particular concern to the NRC because the regulatory program is based on licensee employees acting with integrity. The NRC must have confidence that individuals allowed to use radioactive material will do so in a manner that protects public health and safety.

Although you engaged in deliberate misconduct, the NRC has decided not to take formal enforcement action against you based on your level within SFH's organization, your limited experience in the conduct of licensed activities, and your cooperation and candor during the inspection and investigation. However, you should be aware that the NRC's regulations allow enforcement actions to be taken directly against persons who, through their deliberate misconduct, cause a licensee to be in violation of NRC requirements.



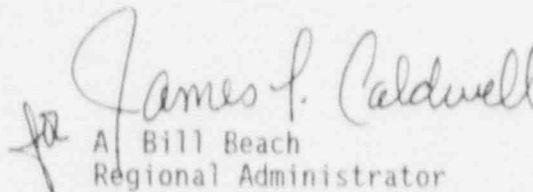
Deliberate misconduct includes an intentional act or omission that the person knows constitutes a violation of a requirement, procedure or training instruction. An order may also be issued to an individual to prevent him or her from engaging in licensed activities at all NRC-licensed facilities. A violation of these requirements, as set forth in 10 CFR 30.10, "Deliberate Misconduct" (Enclosure 3), may also lead to criminal prosecution. Similar failures in the future could lead to formal NRC enforcement action against you.

You are not required to respond to this letter. However, if you choose to provide a response, please submit it to me within 30 days of the date of this letter at U. S. Nuclear Regulatory Commission, Region III, 801 Warrenville Road, Lisle, Illinois 60532-4351.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, records or documents compiled for enforcement purposes are placed in the NRC Public Document Room (PDR). A copy of this letter with your address removed, and your response if you choose to submit one, will be placed in the PDR after 45 days unless you provide sufficient basis to withdraw this letter.

If you have any questions or comments, please contact Mr. Brent Clayton of my staff at (630) 829-9666.

Sincerely,


A. Bill Beach
Regional Administrator

- Enclosures: 1. Inspection Report
No. 030-11102/96031
2. Notice of Violation and
Proposed Imposition of
Civil Penalty
3. 10 CFR 30.10

cc w/o encls: St. Francis Hospital