



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351
November 10, 1999 PUBLIC DOCUMENT ROOM

'99 NOV 22 P12:44

IA 99-053

Mr. John Urban
(HOME ADDRESS DELETED
UNDER 10 CFR 2.790)

SUBJECT: CONSENT TO PROVISIONS OF CONFIRMATORY ORDER

Dear Mr. Urban:

This letter refers to recent telephone conversations between yourself and Mr. D. Wiedeman, Senior Radiation Specialist of my staff, concerning issues identified by the NRC Office of Investigations during an investigation at MidMichigan Medical Center (MMC or Licensee). Based on those conversations, we understand that you agree to the commitments, to be confirmed by Order, set out below:

- A. Should you seek other employment involving NRC-licensed activities during the two year period from the date of this Order, you shall provide a copy of the Order to the prospective employer at the time that you are soliciting or negotiating employment so that the person is aware of the Order prior to making an employment decision. NRC-licensed activities are those activities which are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those activities of Agreement State licensees conducted pursuant to the authority granted by 10 CFR 150.20.
- B. For a two year period from the date of the Order, you shall, within 10 business days of your acceptance of an employment offer involving NRC-licensed activities, provide notice to the Director, Office of Enforcement, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, of the name, address, and telephone number of the employer.
- C. If you are currently involved in NRC-licensed activities at any employer other than MidMichigan Medical Center, you shall, within 30 days of the date of the Order, provide a copy of the Order to any such employer and provide notice to the Director, Office of Enforcement, at the address provided above, of the name, address, and telephone number of any such employer.

The NRC has determined that public health and safety require that the above commitments be confirmed by Order following your written consent. The Order would be entitled Confirmatory Order Requiring Notice to Certain Employers and Prospective Employers and Notification of NRC of Certain Employment in NRC-Licensed Activities (Effective Immediately). In addition, for your information, the following is an extract from the Order that sets out the factual basis for our reaching the conclusion that such an order is needed. It will read as follows (subject to possible minor editorial changes):

IT07

On June 1, 1999, the Licensee reported a misadministration involving a patient undergoing treatment for thyroid carcinoma who received approximately 100 millicuries of iodine-131 instead of 150 millicuries as prescribed. The misadministration occurred on May 24, 1999, when the chief technologist, Mr. John Urban, administered a 103 millicurie dose of iodine-131 without first verifying that the dosage was in accordance with the written directive. The Licensee's quality management program dated January 20, 1992, requires any individual administering therapy dosages to review the written directive before administering the dosage. After the patient left MMC, Mr. Urban looked at the written directive and realized that there was an inconsistency between what the patient received and what had been prescribed. Mr. Urban did not attempt to contact the physician or anyone else regarding this inconsistency. He then altered the written directive dosage from 150 millicuries to 100 millicuries. Two days later, on May 26, 1999, the prescribing physician discovered the misadministration when he realized that the written directive had been altered to reflect the dose administered. Initially, Mr. Urban denied altering the written directive to MMC and the NRC inspector. The Licensee reported the misadministration to the NRC on June 1, 1999. An NRC inspection was conducted on June 7-8, 1999, and the Office of Investigations (OI) initiated an investigation on June 14, 1999. The OI report concluded that Mr. John Urban engaged in deliberate misconduct by altering a written directive, by providing incomplete and inaccurate information to an NRC inspector, and thereby, in part, causing MMC to file an untimely misadministration report. In addition, Mr. Urban demonstrated careless disregard for license requirements when he did not review the written directive prior to administering a therapeutic dosage. During the predecisional enforcement conference held on September 17, 1999, Mr. Urban indicated that on May 24, 1999, he believed, based on the patient's statement and the dose ordered, that he had administered the correct dosage.

If you consent to issuance of the Order confirming the above commitments, you are waiving your right to request a hearing on all or any part of the Order. To consent, you must sign the Acknowledgment and Hearing Waiver (enclosed) indicating that you agree to these commitments and are consenting to the issuance of the Confirmatory Order. Please return the signed Hearing Waiver within 10 business days from the date of this letter to me at 801 Warrenville Road, Lisle, IL 60532-4361.

You may also respond initially by facsimile at (630) 515-1096. After receiving your written consent, the NRC will issue the Confirmatory Order. You should note that information regarding this Order will be published semi-annually in a publicly available document that lists NRC enforcement actions.

J. Urban

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Questions concerning this letter should be addressed to Mr. Geoffrey Wright at (630) 829-9602.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be placed in the NRC Public Document Room.

Sincerely,



J. E. Dyer
Regional Administrator

Enclosure: As Stated

J. Urban

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ACKNOWLEDGMENT and HEARING WAIVER

I, John Urban hereby agree to comply with the provisions described in the NRC letter to me dated November 10, 1999, and agree to the incorporation of these provisions in a Confirmatory Order Requiring Notice to Certain Employers and Prospective Employers and Notification of NRC of Certain Employment in NRC-Licensed Activities that will be effective upon issuance. I recognize that by signing below, I consent to the issuance of a *Confirmatory Order Requiring Notice to Certain Employers and Prospective Employers and Notification of NRC of Certain Employment in NRC-Licensed Activities* with the provisions set forth on page 1 of the NRC letter to me of November 10, 1999, and, by doing so, pursuant to 10 CFR 2.202(d), I waive the right to request a hearing on all or any part of the Order.

John Urban

Date