



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

July 11, 2005

IA-04-216

Sherrice A. Knisely, Esquire  
7841 Ridge Avenue, B-161  
Philadelphia, PA 19128

SUBJECT: CONFIRMATION OF CLOSED PREDECISIONAL ENFORCEMENT  
CONFERENCE (NRC OFFICE OF INVESTIGATIONS REPORT NO.  
1-2004-026)

Dear Ms. Knisely:

This letter is in reference to an investigation initiated on May 11, 2004, by the NRC's Office of Investigations (OI) at the Milton S. Hershey Medical Center (MSHMC). The purpose of the OI investigation was to determine whether, on April 29, 2004, your client, Shirley Knisely, in her capacity as a nuclear medicine technologist (NMT) for MSHMC, deliberately had herself injected with a diagnostic dosage of technetium-99m for the purpose of a brain scan without the knowledge and approval of an authorized user, knowing this action was a violation of NRC regulations.

OI concluded that on April 29, 2004, Ms. Knisely did request that a student NMT inject her with a diagnostic dosage of technetium-99m and that she did so deliberately, knowing it was a violation of 10 CFR 35.27. As such, she caused MSHMC to violate NRC requirements. Ms. Knisely's actions constituted an apparent violation of Title 10 of the Code of Federal Regulations (CFR) Part 30.10. 10 CFR 30.10(a) states, in part, that any licensee, or licensee employee, may not engage in deliberate misconduct that causes or would have caused, if not detected, a licensee to be in violation of any rule, regulation, or any term, condition, or limitation of any license issued by the Commission. This apparent violation is being considered for escalated enforcement in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at [www.nrc.gov](http://www.nrc.gov); select **What We Do, Enforcement**, then **Enforcement Policy**.

The investigative conclusions and your request to conduct a predecisional enforcement conference were discussed with you via telephone. The conference has been scheduled for Monday, July 18, 2005, at 10:00 a.m. in the NRC Region I office. The conference will be closed to public observation because it is based on the findings of an NRC OI investigation that has not been publicly disclosed. In addition, the conference will be transcribed.

As discussed with you, this conference is predecisional because the NRC has not made a final determination that violations of NRC requirements occurred or that enforcement action will be taken against your client, Shirley Knisely. The purpose of the conference is to discuss the apparent violation and the circumstances surrounding it, and to give your client an opportunity to provide her perspective on this issue and any other information she believes is relevant to the NRC's enforcement determination. Your client is specifically requested to address the factors that the NRC would consider in determining whether enforcement action should be taken against your client. These factors are described in Section VIII, "Enforcement Actions Involving Individuals," of the Enforcement Policy.

If the NRC concludes that Ms. Knisely deliberately caused or committed a violation of NRC requirements, the possible sanctions which may be pursued include a Notice of Violation, Civil Penalty<sup>1</sup>, or an Order. An Order may prohibit your client's involvement in NRC-licensed activities, require notice to the NRC before resuming involvement in NRC-licensed activities, or require other action. Accordingly, Ms. Knisely should be prepared to address why the NRC should not issue an Order prohibiting her from participation in NRC-licensed activities.

An agenda for the conference is enclosed. Although not required, you may provide the NRC a written reply to the apparent violation prior to or during the conference. In addition, although you will be representing your client at the conference, it should be understood that the NRC will address its questions to your client. Furthermore, Ms. Knisely is not required to attend the conference, but she should understand that if she does not, the NRC will make an enforcement decision on the basis of the information developed during the inspection and investigation.

You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding the apparent violations is required at this time.

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 (RARS) 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 will be made available to the Public, if enforcement action is taken. This letter will be maintained by the Office of Enforcement (OE) in a NRC Privacy Act system of records, NRC-3, "Enforcement Actions Against Individuals." The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from our Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

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<sup>1</sup>Civil penalties are not normally assessed against unlicensed individuals. See Footnote 11 of the NRC Enforcement Policy.

S. Knisely

3

Should you have any questions concerning this letter, please contact me at (610) 337-5281 or Ms. Tara Weidner at (610) 337-5272.

Sincerely,

***/RA by Frank Costello Acting For/***

George Pangburn, Director  
Division of Nuclear Materials Safety

Enclosures:

- (1) Predecisional Enforcement Conference Agenda
- (2) Directions to the RI Office

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**SISP Review Complete: GCP (Reviewer's Initials)**

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PROPOSED CLOSED PREDECISIONAL ENFORCEMENT CONFERENCE AGENDA

NRC REGION I - KING OF PRUSSIA, PENNSYLVANIA

MONDAY, JULY 18, 2005 AT 10:00 A.M.

I. OPENING REMARKS AND INTRODUCTIONS

George Pangburn, Director  
Division of Nuclear Materials Safety

II. NRC ENFORCEMENT POLICY

John Wray, Enforcement Specialist

III. SUMMARY OF THE ISSUES AND DISCUSSION OF THE APPARENT VIOLATIONS

Pamela Henderson, Branch Chief  
Division of Nuclear Materials Safety

IV. INDIVIDUAL PRESENTATION

V. BREAK/NRC CAUCUS

VI. NRC FOLLOW UP QUESTIONS

VII. CLOSING REMARKS

George Pangburn, Director  
Division of Nuclear Materials Safety