

October 14, 2005
EN-05-044

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: The Milton S. Hershey Medical Center (EA-04-215)
The Pennsylvania State University
Hershey, PA 17033
Docket No. 030-03203

Subject: CONFIRMATORY ORDER (EFFECTIVE IMMEDIATELY)

This is to inform the Commission that a Confirmatory Order confirming commitments reached as part of an alternative dispute resolution (ADR) mediation settlement agreement will be issued today, October 14, 2005, to The Milton S. Hershey Medical Center (MSHMC). At issue were three unauthorized administrations of licensed material. Two of the three administrations were found to be willful. Specifically, on three separate occasions, in the 1996 - 1997 time frame, in October 2002, and April 2004, Nuclear Medicine Technologists (NMT), then employed at MSHMC, were injected with radiopharmaceuticals without the authorization of an Authorized User (AU) in violation of NRC requirements. The MSHMC agreed that there were three unauthorized administrations of licensed material in violation of 10 CFR 35.27(a) and agreed that two of the three were deliberate. As part of the agreement reached, a Notice of Violation at Severity Level III, with no civil penalty will be issued. Also, the licensee has taken or will take various corrective actions agreed to in the ADR session.

The schedule of notification and issuance:

Telephone Notification of Licensee	October 14, 2005
Mailing of Notice	October 14, 2005

The Commonwealth of Pennsylvania will be notified.

Contacts: S. Merchant, OE, 301-415-2747 C. Nolan, OE, 301-415-3360

**PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION**

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