

April 29, 1997

EA 97-189

Mr. Dennis Clemenson, President  
and Radiation Safety Officer  
DMS Imaging, Inc.  
P.O. Box 1010  
Bemidji, MN 56601

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 030-10809/96001(DNMS)  
AND INVESTIGATION REPORT NOS. 3-96-045 & 3-96-045S

Dear Mr. Clemenson:

This refers to the inspection conducted on August 23 and November 5, 1996, at the Lakeview Medical Center, Rice Lake, Wisconsin. The purpose of the inspection was to determine whether activities authorized by the license were conducted safely and in accordance with NRC requirements. The enclosed report presents the results of this inspection. On August 28, 1996, the findings were discussed with you and those members of your staff identified in the enclosed report.

This also refers to an investigation conducted by the NRC Office of Investigations (OI) to determine if your nuclear medicine technologists (NMT) deliberately violated NRC requirements pertaining to wearing and using personnel dosimetry and protective clothing. Reports concerning this investigation were forwarded to the Region III office by memoranda dated October 15, 1996 (Report No. 3-96-045) and April 4, 1997 (Report No. 3-96-045S).

Based on the results of the inspection and investigation, two apparent violations were identified and are being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600 (copy enclosed). These apparent violations pertain to the failure to wear dosimetry and lab coats. Accordingly, no Notice of Violation is presently being issued for these inspection findings. In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review.

A closed transcribed predecisional enforcement conference to discuss these apparent violations has been scheduled for Tuesday, May 13, 1997, at 1:00 p.m. (CDT) in the NRC's Region III office, 801 Warrenville Road, Lisle, Illinois. The decision to hold a predecisional enforcement conference does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference is being held to obtain information to enable the NRC to make an enforcement decision, such as a common understanding of the facts, root causes, missed opportunities to identify the

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apparent violation sooner, corrective actions, significance of the issues, and the need for lasting and effective corrective actions. In particular, we expect you to address the discrepancies between the information provided by your staff to the NRC during the inspection and investigation as it is contradicted by the written records of activities performed by these same staff concerning the wearing of personnel dosimetry while using radioactive materials. In addition, this is an opportunity for you to point out any errors in our inspection report and for you to provide any information concerning your perspectives on: (1) the severity of the violations, (2) the application of the factors that the NRC considers when it determines the amount of a civil penalty that may be assessed in accordance with Section VI.B.2 of the Enforcement Policy, and (3) any other application of the Enforcement Policy to this case, including the exercise of discretion in accordance with Section VII. In presenting your corrective action, you should be aware that the promptness and comprehensiveness of your actions will be considered in assessing any civil penalty for the apparent violations. The guidance of the enclosed excerpt from NRC Information Notice 96-28, "SUGGESTED GUIDANCE RELATING TO DEVELOPMENT AND IMPLEMENTATION OF CORRECTIVE ACTION," may be helpful.

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

Please contact Mr. Monte P. Phillips at telephone number (630) 829-9806 if you have any questions concerning this matter.

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

Sincerely,  
Original signed by G. L. Shear for  
Roy J. Caniano, Acting Director  
Division of Nuclear Materials Safety

Docket No. 030-10809  
License No. 22-16328-01

Enclosures: 1. Inspection Report  
No. 030-10809/96001(DNMS)  
2. Enforcement Policy (NUREG-1600)  
3. Information Notice 96-28

bcc w/encl 1: J. Goldberg, OGC      Office of Enforcement  
D. Cool, NMSS      PUBLIC IE07  
T. Simmons, EICS

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