

NOTICE OF VIOLATION

Mr. George Wesley Stewart

IA 97-015

During an NRC inspection conducted on December 2-3, 1993, and subsequent investigation by the NRC Office of Investigations (OI), a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 30.10(a)(1) requires, in part, any employee of a licensee may not engage in deliberate misconduct that causes or, but for detection, would have caused, a licensee to be in violation of any rule, regulation, or order, or any term, condition, or limitation of any license, issued by the Commission.

10 CFR 30.10(c) states, in part, that deliberate misconduct by a person means an intentional act or omission that the person knows: (1) would cause a licensee to be in violation of any rule, regulation, condition or limitation, of any license issued by the Commission, or (2) constitutes a violation of a requirement, procedure, instruction, contract, purchase order or policy of a licensee, contractor, or subcontractor.

10 CFR 30.9(a) states, in part, that information required by the Commission's regulations to be maintained by the licensee shall be complete and accurate in all material respects.

10 CFR 34.27 requires, in part, that each licensee shall maintain current utilization logs, which shall be kept available for three years from the date of the recorded event, for inspection by the Commission, at the address specified in the license, showing for each sealed source: the make and model number of the radiographic exposure device or storage container in which the sealed source is located; the identity of the radiographer to whom assigned; and the plant or site where used and the dates of use.

Contrary to the above, as of April 7, 1993, you caused Power Inspection, Inc. to be in violation of 10 CFR 30.9 and 10 CFR 34.27 in that you deliberately created false utilization logs. Specifically, the licensee's utilization logs maintained at the licensee's Wexford, Pennsylvania, office were inaccurate because they were neither "current" nor created on the date of use of the source, but in fact, were created at a later time in order to address questions asked by the NRC during a previous NRC inspection. This information was material because it had the capability to influence NRC action and, in fact, was presented to the NRC as indication that PI had completed the logs on the date of use. (01013)

This is a Severity Level III violation (Supplement VII).

Pursuant to the provisions of 10 CFR 2.201, you are hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the

Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, or proprietary information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Dated at Rockville, Maryland
this 15th day of February 1997

Mr. George W. Stewart

DISTRIBUTION:

PUBLIC

SECY

CA

HThompson, EDO

EJordan, DEDC

JLieberman, OE

HMiller, RI

FDavis, OGC

CPaperiello, NMSS

DCool, NMSS

Enforcement Coordinators

RI, RII, RIII, RIV

BBeecher, GPA/PA

GCaputo, OI

DBangart, OSP

HBell, OIG

DRoss, AEOD

DScrenci, PAO-RI (2)

OE:Chron

OE:TA

DCS

NUDOCS

Nuclear Safety Information Center (NSIC)

LA:DNMS (RI)