



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

May 5, 1997

EA 97-171

Mr. John C. Phillips, Esq.
Western Industrial X-Ray Inspection Company, Inc.
P.O. Box 514
Evanston, Wyoming 82931

SUBJECT: NOTICE OF VIOLATION

Dear Mr. Phillips:

This refers to our review of a report dated January 28, 1997, documenting the findings of an audit of Western Industrial X-Ray Inspection Company, Inc.'s (WIX) radiation safety program. The audit, performed by Hellier and Associates, Inc., was the second of several program audits required under the Final Initial Order, Attachment A, "Stipulation for Settlement of Proceedings" (Order), issued by an NRC Atomic Safety and Licensing Board on November 16, 1995. This also acknowledges receipt of a facsimile transmittal dated February 12, 1997, from Mr. Lance Atkin responding to the audit report.

We have reviewed the audit report in conjunction with the recent NRC inspection of WIX's radiation safety program. The inspection findings were previously documented and provided to WIX by letter dated April 17, 1997.

Based on our review of the audit report and information obtained during telephone discussions between Mr. Richard Leonardi of this office and Mr. Robert Cameron, General Manager for Hellier and Associates Inc., the NRC has identified a failure to comply with the conditions of the Order. Specifically, the Order specified, among other items, that the timing and scope of audits specified under the Order were not to be disclosed to WIX or Mr. Larry Wicks in advance, and that audits performed under the Order must include field audits of WIX radiographers.

Our telephone interview with Mr. Cameron on March 26, 1997, disclosed that the auditor(s) had provided notification to WIX's radiation safety officer in advance of the audits performed in August 1996 and January 1997. In addition, Mr. Cameron noted in his report that field audits of WIX radiographers were not conducted during the second program audit. This issue was identified as a violation and is cited in the enclosed Notice of Violation (Notice). Please note that you are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. Your response should address actions proposed by WIX to ensure that future audits of your radiation safety program include observation of radiographers in the field. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

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Mr. John C. Phillips, Esq.

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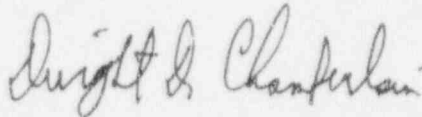
You are also reminded that Item 7 of the Order discusses enforcement actions that the NRC may exercise if WIX fails to comply with the terms of the Order. Specifically, failure to comply with the terms of the Order constitutes a material breach of the Order and may result in immediate revocation or suspension of WIX's license. However, we note that actions taken by WIX to comply with other conditions of the Order have been verified through information submitted by WIX to the NRC Region IV office, through communications with WIX personnel, and during our recent inspection. Thus, WIX's failure to ensure that: (1) audits were performed on an unannounced basis and (2) field audits of radiographers were performed by the auditor has been categorized as a Severity Level IV violation. However, you are advised that future failures to comply with the conditions of the Order may result in significant enforcement action, including immediate revocation or suspension of the license.


In addition, you are advised that a copy of this letter, the enclosed Notice and the Order are being provided to Mr. Cameron by separate correspondence.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be placed in the NRC Public Document Room (PDR).

Should you have any questions concerning this letter, please contact Ms. Linda L. Howell at (817) 860-8213.

Sincerely,



 Ross A. Scarano
Division of Nuclear Materials Safety

Docket: 030-32190
License: 49-27356-01

Enclosure: Notice of Violation

cc w/enclosure:
Wyoming Radiation Control Program Director