

April 8, 2003

IA-02-057

James Fowler
[HOME ADDRESS DELETED
UNDER 10 CFR 2.790(a)]

SUBJECT: NOTICE OF VIOLATION, DATED JANUARY 29, 2003

Dear Mr. Fowler:

This acknowledges receipt of your letter on March 13, 2003, in response to our letter, dated January 29, 2003, transmitting a Notice of Violation (Notice). This Notice cited a violation of 10 CFR 30.10, "Deliberate Misconduct," for performing radiography on numerous occasions at Magna Chek's permanent radiographic installation and at temporary job sites where you acted as the radiographer without being certified as a radiographer (10 CFR 34.43 and 34.41).

In your reply to the Notice, you indicated that you agreed with the violation. You also stated in your reply that you did not believe that your actions were deliberate; however, you did not provide any information to support your position. Based on your letter, received March 13, 2003, the NRC has concluded that an adequate basis for a reduction of the severity level or rescission of the violation was not provided. Consequently, the violation of 10 CFR 30.10 will stand as stated.

We have reviewed your response and have no further questions at this time.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter (with personnel privacy information deleted) will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

We will gladly discuss any questions you have concerning this inspection.

Sincerely,

/RA/ James L. Caldwell for

J. E. Dyer
Regional Administrator

*SEE PREVIOUS CONCURRENCE

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