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SSINS No.: 6835
IN 86-54

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF INSPECTION AND ENFORCEMENT
WASHINGTON, D.C. 20555

June 27, 1986

IE INFORMATION NOTICE NO. 86-54: CRIMINAL PROSECUTION OF A FORMER RADIATION SAFETY OFFICER WHO WILLFULLY DIRECTED AN UNQUALIFIED INDIVIDUAL TO PERFORM RADIOGRAPHY

Addressees:

All holders of an NRC license authorizing the possession of byproduct, source, or special nuclear material.

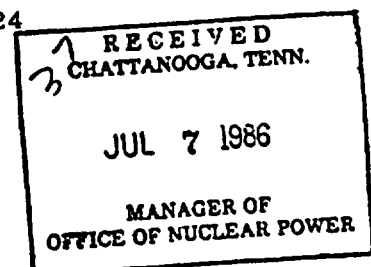
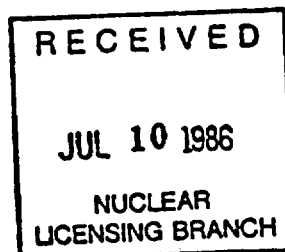
Purpose:

This notice is provided to alert recipients and their employees of criminal prosecution that can result for directing unqualified personnel to perform licensed activities and making material false statements to the NRC. It is expected that recipients will review this notice and disseminate it to all of their employees. The NRC further suggests that recipients remind their employees that not only are licensees subject to civil enforcement action for violations of NRC requirements, but individuals who intentionally violate these requirements may also be subject to criminal prosecution. However, suggestions contained in this information notice do not constitute NRC requirements; therefore, no specific action or written response is required.

Description of Circumstances:

During an interview conducted by the NRC's Office of Investigations (OI) on May 15, 1984, the former District Manager and Radiation Safety Officer of the Pittsburgh Testing Laboratories (PTL), Cleveland, Ohio, office admitted that he had allowed an unqualified individual to perform radiography. Further, he admitted that he was not truthful with an NRC inspector in August 1984, when questioned regarding the use of unqualified individuals. As a result, on May 24, 1984, the NRC issued an Order to PTL removing this individual from all licensed activities. Subsequently, the case was referred to the Department of Justice and on February 19, 1986, the U.S. District Judge in the Eastern Division of the Northern District of Ohio accepted the individual's guilty plea of deliberate violation of NRC requirements and fined the individual \$2,500. Further, PTL also pleaded guilty to deliberate violations and making a material false statement to the NRC. As a result, PTL was fined \$15,000 by the Court. Subsequent to the Court's action, the NRC issued a proposed \$58,000 civil penalty to PTL on April 17, 1986.

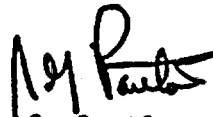
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Discussion:

Licensees have the responsibility to ensure the safe performance of licensed activities. In so doing, licensees must not only use trained individuals and provide adequate procedures, but must also exercise supervision over their employees to ensure adherence to procedures and NRC requirements. Violations of NRC requirements caused by inattention to detail or human error are unacceptable to the NRC and may result in civil enforcement action. However, violations caused by intentional acts also may subject corporations and the individual wrongdoers to criminal prosecution. The criminal sanctions available may include a prison sentence, as has occurred previously (Reference: IE Information Notice 85-97, copy attached), or may include a criminal fine as occurred in this case.

No specific action or written response is required by this information notice. If you have any questions about this matter, please contact the Regional Administrator of the appropriate NRC regional office, or this office.



James G. Partlow, Director
Division of Inspection Programs
Office of Inspection and Enforcement

Technical Contact: J. R. Metzger, IE
(301) 492-4947

Attachments:

1. IE Information Notice 85-97
2. List of Recently Issued IE Information Notices