

February 2, 1998

EA 97-373

Adam C. Ackermann
Radiation Safety Director
Professional Services Industries, Inc.
510 East 22nd Street
Lombard, IL 60148

Dear Mr. Ackermann:

This acknowledges receipt of your December 4, 1997 letter, in response to the Notice of Violation issued by NRC on November 5, 1997, involving numerous failures to control activities associated with Professional Services Industries, Inc.'s radiographic operations.

In your response, Item B.1, you indicate that the radiographer and the trainee "knowingly" violated company procedure by having the trainee operate a radiographic device. Violations ranging from deliberate intent to violate to and including careless disregard for requirements, if established to the satisfaction of NRC, are treated as willful violations under the NRC Enforcement Policy (Policy). Where a violation is considered to be willful, the severity level may be increased, and discretion may be used to increase the civil penalty amount or to assess a civil penalty where the application of the normal factors in the Policy would otherwise result in zero penalty. The Policy also provides that, if significant new information is received to indicate that an enforcement sanction was incorrectly applied, consideration may be given to reopening a closed enforcement action to further adjust the enforcement sanction.

Additionally, enforcement action may be taken directly against an individual for a deliberate violation of an NRC requirement, including the issuance of an Order to prohibit the individual from further involvement in NRC-licensed activities. An individual who deliberately violates an NRC requirement also may be subject to criminal prosecution.

Given the facts of this case and the corrective actions outlined in your December 4, 1997 letter including your permanent revocation of the radiographer's authorization to participate in radiographic operations, NRC has decided not to expend further resources in reopening the enforcement action to determine whether or not the violation was willful. However, you should take this opportunity to familiarize all employees involved in NRC-licensed activities with 10 CFR 30.10, "Deliberate misconduct," and with the enforcement sanctions that may be taken directly against individuals for violations thereof.

The radiographer involved in the violation will receive a copy of this letter under separate cover.

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Your corrective actions will be examined during future NRC inspections

Sincerely,

Cynthia D Pederson, Director
Division of Nuclear Materials Safety

License No. 12-16941-03

Docket No. 030-33792

See Attached Distribution

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A. Ackermann

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