

03606415

AUG 06 1982

License: 42-08456-02  
EA 82-45

Consolidated X-Ray Service Corporation  
ATTN: Mr. John E. Wright  
President  
P.O. Box 20195  
Dallas, TX 75220

Gentlemen:

This refers to your letter of May 7, 1982 in response to the Notice of Violation and Proposed Imposition of Civil Penalty sent to you with our letter of April 12, 1982. Our letter concerned violations found during the inspections conducted by Region I personnel on December 15, 1981 and January 18, 1982 at your facility located in Woodbridge, New Jersey, and on November 25, 1981 at a field site in Paulsboro, New Jersey, of activities authorized by NRC License 42-08456-02.

After giving careful consideration to your response, we have concluded for the reasons given in the enclosed Order that the violation for which a civil penalty was proposed occurred as set out in the Notice of Violation and Proposed Imposition of Civil Penalty. Based on our analysis of your response, which is attached as an Appendix, the penalty is hereby imposed as originally put forward in the cumulative amount of Four Thousand Dollars.

With respect to your corrective actions, we need additional information as to what specific measures will be instituted by management to ensure that your radiographers comply with NRC requirements. We note that you have instituted a program of mandatory radiation safety courses and that you, the President of Consolidated X-Ray Service Corporation, visited the Eastern Division and advised all radiographers of the importance of following safety procedures. In addition to the minimum audits required by NRC regulations, supplemental unannounced audits of each radiographer in the field (with disciplinary measures for infractions as appropriate) might provide the needed assurance that radiographers are operating in compliance with requirements.

In your response you requested a hearing on this matter. Since in accordance with 10 CFR 2.205(d) requests for hearings are to be made only after imposition of civil penalties, you should first reevaluate the enclosed Order and Appendix and then request a hearing again if you so decide.

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

AUG 06 1982

Consolidated X-Ray Service  
Corporation

- 2 -

You should be aware that the issue raised in your letter of May 7, 1982, of whether a licensee can be held responsible for violations caused by its employees, has already been litigated within the NRC. The following principle was sustained: as long as a person holds a license to deal in materials regulated by the NRC, he or she is liable for any infractions of the Commission's regulations caused by himself or herself or his or her employees. This is true whether the person is an individual, a partnership, or a corporation. For your information, a citation to this case is Atlantic Research Corporation volume 11 of the Nuclear Regulatory Commission Issuances, page 413 (March 14, 1980).

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and the enclosed order will be placed in the NRC's Public Document Room.

Sincerely,



Richard C. DeYoung, Director  
Office of Inspection and Enforcement

Enclosure:  
Order Imposing Civil Monetary  
Penalty and Appendix

cc: Texas Department of Health  
ATTN: David K. Lacker, Director  
Division of Occupational Health &  
Radiation Control  
1100 West 49th Street  
Austin, Texas 78756

Pennsylvania Department of Environmental  
Resources  
ATTN: Thomas M. Gerusky  
Bureau of Radiation Protection  
Fulton Building  
Third and Locust Streets  
Harrisburg, Pennsylvania 17120

Department of Environmental Protection  
ATTN: Eugene Fisher, Chief  
Bureau of Radiation Protection  
380 Scotch Road  
Trenton, NJ 08628

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7/24/82

R. Everett  
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EJohnson  
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Telephone  
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AGrosso  
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ES:D for  
JLieberman  
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concerns  
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JSniezek  
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IE:R  
RDeYoung  
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Consolidated X-Ray Services Corp.

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