

UNITED STATES
 NUCLEAR REGULATORY COMMISSION
 REGION II
 101 MARIETTA STREET, N.W., SUITE 2900
 ATLANTA, GEORGIA 30323-0199



JUN 20 1994

Mr. Robin R. Morton
 HOME ADDRESS DELETED
 UNDER 10 CFR 2.790

Dear Mr. Morton:

SUBJECT: NRC OFFICE OF INVESTIGATIONS REPORT NO. 2-91-006R

This letter is being sent to you as a result of a Nuclear Regulatory Commission (NRC) investigation by the Office of Investigations (OI), which was completed on August 31, 1993, concerning an apparent deliberate falsification of radiation survey records which was identified during an NRC inspection of TEI Analytical Services, Inc. (TEI) on March 22, 1991. The investigation determined that you discovered that the survey instrument used to perform radiation surveys during radiographic operations performed in Abingdon, Virginia on March 8, 12 and 14, 1991 exceeded the calibration due date. Nevertheless, you used the instrument and willfully documented an incorrect survey instrument serial number on the records.

As a result of your actions, the enclosed Notice of Violation and Proposed Imposition of Civil Penalty-\$1,500 (Notice) has been issued to S. K. McBryde (McBryde) because, as the license holder, McBryde is responsible for the licensed material and how it is used. However, by the definition stated in 10 CFR 34.2, as a radiographer you are responsible to McBryde for assuring compliance with the requirements of the Commission's regulations and the conditions of the license. In this case you failed to carry out this responsibility and you caused violations as described in the Notice including: (1) a failure to maintain complete and accurate radiation survey records and (2) a failure to perform NRC-required surveys using a calibrated survey instrument.

As discussed during the February 16, 1994, telephone enforcement conference held with McBryde's President and Radiation Safety Officer and you, you should have terminated your radiography activities and notified McBryde, as soon as you noted the instrument with an expired calibration date.

During the conference you indicated that you are an experienced radiographer and have been trained in the Commission's requirement to maintain calibrated survey instruments. You additionally stated that you now recognize that you should not have used the instrument with an expired calibration date and did not realize the impact of your actions at the time you committed the violation. You also indicated that you understand that safety and following regulations are a first priority.

As discussed during the enforcement conference, your performance in Abingdon, Virginia did not meet the NRC's expectations. You should be aware that on September 16, 1991, the NRC revised its regulations to allow the issuance of orders and other civil sanctions to be taken directly against unlicensed

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persons who, through their deliberate misconduct, cause a licensee to be in violation of NRC requirements. For example, an order may be issued to an individual preventing him or her from engaging in any NRC licensed activities.

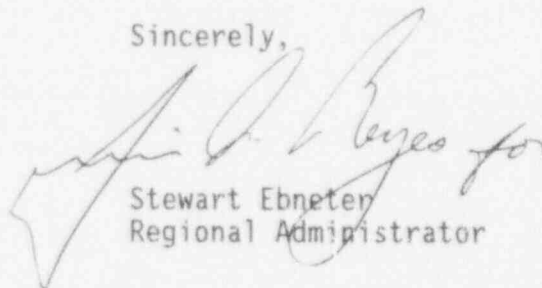
Similar deliberate misconduct by you in the future could result in enforcement action against you as provided in 10 CFR 2.202 and 10 CFR 30.10. Deliberate misconduct includes an intentional act or omission that the person knows constitutes a violation of a requirement, procedure, or training instruction (10 CFR 30.10(c)). A violation of 10 CFR 30.10 may also lead to criminal prosecution. The NRC expects no less than full compliance with all applicable regulatory requirements, and willful disregard for those requirements is not tolerated.

You are not required to respond to this letter. If you want to provide any response, your response should be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, within 30 days of the date of this letter.

Questions concerning this letter should be addressed to Ms. Patricia Santiago, Assistant Director for Materials, Office of Enforcement, who can be reached at (301) 504-3055.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter with your address deleted and its enclosures will be placed in the NRC's Public Document Room.

Sincerely,



Stewart Ebneten
Regional Administrator

Enclosure:
Notice of Violation and Proposed
Imposition of Civil Penalty

cc w/o encls:
S. K. McBryde, Inc.