



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-3001

September 27, 1994

IA 94-025

Robert E. Galloway
(ADDRESS DELETED
UNDER 10 CFR 2.790)

SUBJECT: NOTICE OF VIOLATION
(NRC INSPECTION REPORT NO. 030-32190/94-01 AND INVESTIGATION
REPORT NO. 4-93-049)

This refers to an inspection and investigation conducted on March 23, 1994 at a temporary jobsite near Granger, Wyoming. The inspection report was issued on May 12, 1994. The synopsis from the investigation report, which was issued on July 8, 1994, is enclosed.

Based on its review of the evidence gathered during the investigation, the NRC has concluded that you violated 10 CFR 30.10, which prohibits deliberate misconduct that causes a licensee to be in violation of any NRC requirement or license condition. Specifically, you were interviewed by an NRC investigator and admitted in a signed, sworn statement that you did not always supervise radiographer's assistants in that you occasionally allowed a radiographer's assistant to perform radiography operations while you developed film, a violation of 10 CFR 34.44. In addition, you admitted that you were aware that it was both a procedural requirement of your employer, Western Industrial X-Ray Inspection Company, Inc., and a requirement of the NRC that a radiographer must watch a radiographer's assistant perform radiographic operations.

The NRC notes that many radiography incidents have occurred as a result of inexperienced individuals performing radiography without adequate supervision. Thus, the requirement that radiographer's assistants be supervised is important to ensure the safety of radiography personnel as well as members of the public. Furthermore, the fact that you were aware of this requirement and elected to ignore it on occasion makes the violation all the more serious.

In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) 10 CFR Part 2, Appendix C, this violation has been classified at Severity Level III to reflect the seriousness of your having willfully violated an important radiation safety requirement.

The NRC considered more serious enforcement action against you, such as an order prohibiting your involvement in NRC-regulated activities, but under the circumstances of this case including your truthfulness in admitting this violation, we are issuing you the enclosed Notice of Violation. You should be aware that further willful violations on your part may result in more serious civil enforcement action or criminal sanctions against you.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice of Violation (Notice) when preparing your

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Robert E. Galloway

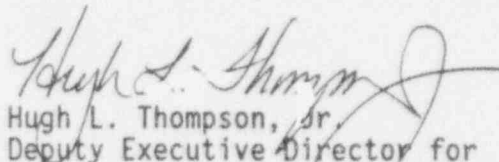
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response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

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

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Sincerely,



Hugh L. Thompson, Jr.
Deputy Executive Director for
Nuclear Materials Safety, Safeguards
and Operations Support

Docket No. 030-32190
License No. 49-27356-01
IA 94-025

Enclosures:

1. Notice of Violation
2. 1994 OI Synopsis

cc w/Enclosure: State of Wyoming