

each allegation or charge made in this Order and shall set forth the matters of fact and law on which Ms. Burns or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attn: Rulemakings and Adjudications Staff, Washington, DC 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, and to Ms. Burns if the answer or hearing request is by a person other than Ms. Burns. If a person other than Ms. Burns requests a hearing, that person shall set forth with particularity the manner in which his or her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by Ms. Burns or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), Ms. Burns may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in section IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this order.

Dated this 29th day of April 1999.

For the Nuclear Regulatory Commission.

Malcolm R. Knapp,

Deputy Executive Director for Regulatory Effectiveness.

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NUCLEAR REGULATORY COMMISSION

[IA 99-002]

In the Matter of James S. Dawson; Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately)

I

James S. Dawson was employed as a radiographer by International Radiography and Inspection Services, Inc. (IRIS or Licensee), Tulsa, Oklahoma. IRIS holds License No. 35-30246-01 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 34. The license authorizes IRIS to possess and utilize sealed radiation sources in the performance of industrial radiography in accordance with the conditions specified in the license.

II

On November 7, 1998, Mr. Dawson and another IRIS employee were performing radiography at Sagebrush Pipeline Equipment Company in Sapulpa, Oklahoma, using a radiographic exposure device (camera) containing approximately 87 curies of iridium-192. Mr. Dawson was the radiographer on this job; the other IRIS employee was a radiographer's assistant. In accordance with 10 CFR 34.46, the radiographer's assistant was required to be under the personal supervision of Mr. Dawson when using the radiographic exposure device or performing radiation surveys. Thus, Mr. Dawson was responsible for assuring that certain NRC-licensed activities carried out by the radiographer's assistant were being performed appropriately and in compliance with NRC requirements.

On November 9, 1998, the radiation safety officer for IRIS notified the NRC Operations Center in Rockville, Maryland, of an incident that occurred on November 7, 1998 involving Mr. Dawson and the radiographer's assistant. The incident resulted in a radiation exposure to the radiographer's assistant in excess of the annual limit in 10 CFR 20.1201.

The NRC conducted an inspection and investigation to review the circumstances surrounding this incident, and identified numerous apparent violations of radiation safety requirements associated with this incident, many of which were committed deliberately. The results of the NRC investigation were described in an investigation report issued on January 5, 1999. The results of the

inspection were described in an inspection report issued on March 3, 1999. On January 25, February 4, and March 18, 1999, respectively, the NRC conducted separate predecisional enforcement conferences with the radiographer's assistant, Mr. Dawson, and IRIS representatives. The conferences were conducted to discuss the apparent violations and to assist the NRC in reaching enforcement decisions in this matter.

With respect to Mr. Dawson, the NRC has determined that he engaged in the following acts of deliberate misconduct prohibited by 10 CFR 30.10(a)(i) that caused IRIS to be in willful violation of regulatory requirements by: (1) knowingly conducting radiography at a site at which there was no radiation survey instrument, contrary to the requirements of 10 CFR 34.25(a); (2) knowingly conducting radiography without performing radiation surveys each time the radiographic source was returned to its shielded position following an exposure, contrary to the requirements of 10 CFR 34.49(b); (3) knowingly conducting radiography without wearing all of the required personal radiation monitoring equipment, contrary to the requirements of 10 CFR 34.47(a); (4) knowingly permitting the radiographer's assistant to resume work associated with licensed material after the radiographer's assistant's pocket dosimeter went off-scale and before a determination of the radiographer's assistant's radiation exposure had been made, contrary to the requirements of 10 CFR 34.47(d); and (5) knowingly failing to immediately contact the IRIS radiation safety officer after the radiographer's assistant's pocket dosimeter went off-scale, contrary to the requirements of IRIS's operating and emergency procedures (i.e., Item 3.1.2.1 IRIS' Radiation Safety Manual). In addition, Mr. Dawson knowingly provided false and misleading information to IRIS's radiation safety officer following the incident, contrary to the requirements of 10 CFR 30.10(a)(2). With regard to the latter violation, Mr. Dawson knowingly provided IRIS officials with false information which was intended to cause them to believe that Mr. Dawson was in the restroom at the time of the exposure incident, that he and the radiographer's assistant had followed radiation safety requirements regarding the use of radiation survey instruments and personal dosimetry, and that he had halted radiography work following the radiographer's assistant's pocket dosimeter going off-scale.

III

The NRC must be able to rely on the Licensee and its employees to comply with NRC requirements, including the requirement to provide information that is complete and accurate in all material respects. Mr. Dawson's deliberate misconduct, which caused IRIS to violate the Commission's regulations and resulted in a radiation exposure to the radiographer's assistant in excess of the annual limit in 10 CFR 20.1201, and his misrepresentations to IRIS officials, have raised serious doubt as to whether he can be relied upon to comply with NRC requirements, and to provide complete and accurate information to the NRC and its licensees.

Consequently, I lack the requisite reasonable assurance that licensed activities will be conducted in compliance with the Commission's requirements and that the health and safety of the public will be protected if James S. Dawson were permitted at this time to be involved in NRC-licensed activities. Therefore, the public health, safety and interest require that James S. Dawson be prohibited from any involvement in NRC-licensed activities for a period of 5 years from the date of this Order. Additionally, James S. Dawson is required to notify the NRC of his first employment in NRC-licensed activities following the prohibition period. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of James S. Dawson's conduct described above is such that the public health, safety and interest require that this Order be immediately effective.

IV

Accordingly, pursuant to sections 81, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, 10 CFR 30.10, and 10 CFR 150.20, *it is hereby ordered*, effective immediately, that:

1. James S. Dawson is prohibited for 5 years from the date of this Order from engaging in NRC-licensed activities. NRC-licensed activities are those activities that are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those activities of Agreement State licensees conducted pursuant to the authority granted by 10 CFR 150.20.

2. If James S. Dawson is currently involved with another licensee in NRC-licensed activities, he must immediately cease those activities, and inform the NRC of the name, address and telephone number of the employer, and provide a copy of this order to the employer.

3. For a period of 5 years after the 5-year period of prohibition has expired,

James S. Dawson shall, within 20 days of his acceptance of each employment offer involving NRC-licensed activities or his becoming involved in NRC-licensed activities, as defined in Paragraph IV.1 above, provide notice to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, of the name, address, and telephone number of the employer or the entity where he is, or will be, involved in NRC-licensed activities. In the first notification Mr. Dawson shall include a statement of his commitment to compliance with regulatory requirements and the basis why the Commission should have confidence that he will now comply with applicable NRC requirements.

The Director, Office of Enforcement, may, in writing, relax or rescind any of the above conditions upon demonstration by James S. Dawson of good cause.

V

In accordance with 10 CFR 2.202, Mr. Dawson must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within 20 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which Mr. Dawson or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attn: Rulemakings and Adjudications Staff, Washington, DC 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, and to Mr. Dawson if the answer or hearing request is by a person other than Mr. Dawson. If a person other than Mr. Dawson requests a hearing, that person shall set forth with

particularity the manner in which his or her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by Mr. Dawson or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), Mr. Dawson may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this order.

Dated this 29th day of April 1999.

For the Nuclear Regulatory Commission.

Malcolm R. Knapp,

Deputy Executive Director for Regulatory Effectiveness.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-445 and 50-446]

Texas Utilities Electric Company, et al.; Comanche Peak Steam Electric Station, Units 1 and 2; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License (FOL) Nos. NPF-87 and No. NPF-89 issued to Texas Utilities Electric Company, et al. (the licensee), for operation of the Comanche Peak Steam Electric Station (CPSES), Units 1 and 2, respectively,