

(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 V shall be final when the extension expires if a hearing request has not been received.

For the Nuclear Regulatory Commission.

Dated this 28th day of February, 2003.

Carl J. Paperiello,

Deputy Executive Director for Materials, Research, and State Programs.

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NUCLEAR REGULATORY COMMISSION

[IA 02-048]

In the Matter of Ms. Linda Monro; Order Prohibiting Involvement in NRC-Licensed Activities

I

Ms. Linda Monro (Ms. Monro) was formerly Assistant Radiation Safety Officer (RSO) of United Evaluation Services (UES) (Licensee), also previously known as Accurate Technologies Incorporated. UES was the holder of Byproduct Nuclear Material License No. 29-28358-02 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR part 30. The license authorized UES to possess and use sealed sources for use in industrial radiography and depleted uranium for shielding material. The license, which was issued on November 16, 2001, was due to expire on November 30, 2011, but was subsequently terminated on January 6, 2003.

II

On September 25, 2001, an event occurred at the McShane facility in Baltimore, Maryland, involving a radiation injury to one of the Licensee's radiographers. This event was discussed with the Licensee on October 4, 2001. During the discussions, the NRC learned that the radiographer received a very significant radiation exposure to his hands in excess of regulatory limits (at a minimum, approximately 250-300 rem) while performing radiography at that facility. Since the facility was located in Maryland, an NRC Agreement State, the activities related to that exposure were within the jurisdiction of the State of Maryland.

Although this event occurred while the radiographer was performing activities in an NRC Agreement State, the same equipment was possessed and used pursuant to an NRC license.

Therefore, NRC inspections were conducted at the Licensee's facilities in New Jersey during October 2001. Subsequent inspections were also conducted in November 2001 and in May 2002. In addition, the NRC Office of Investigations conducted an investigation, between October 31, 2001, and August 14, 2002, of the Licensee's activities. Based on the inspection and investigation, the NRC has determined, among other things, that Ms. Monro deliberately backdated or created false records of activities conducted at the facilities before the NRC inspection was initiated in October 2001. Specifically, Ms. Monro:

1. Created a Radiation Report, dated September 8, 2001, which indicated that Ms. Monro was the radiographer of record when radiography was performed on that date in Paulsboro, New Jersey. The report, which was required to be maintained pursuant to 10 CFR 34.71, was inaccurate in that the radiography was actually performed by another individual (who was not certified to perform radiography) rather than Ms. Monro. Ms. Monro's actions in creating this inaccurate report were deliberate in that Ms. Monro admitted, during an enforcement conference conducted on November 19, 2002, that she was not at the Paulsboro site on that date, and she knew, at the time she completed the inaccurate record, that she was not at the Paulsboro site on that date; testimony of other licensee employees confirmed that Ms. Monro did not perform radiography at the Paulsboro site on that date; and Ms. Monro testified to OI, during an interview on April 11, 2002, that she was not working with the Licensee from late August 2001 until September 18, 2001, and therefore she could not have performed radiography for the Licensee on September 8, 2001.

In addition, Ms. Monro created a Sign Out Log entry, dated September 8, 2001, which indicated that Ms. Monro was the radiographer using the exposure device to perform radiography work on that date. The Sign Out Log, which was required to be maintained pursuant to 10 CFR 34.85, was inaccurate in that the radiography survey was not performed by Ms. Monro. Ms. Monro's actions in creating this inaccurate record were deliberate in that Ms. Monro admitted, during an enforcement conference conducted on November 19, 2002, that she created the Sign Out Log record to support that she had performed the radiography on September 8, 2001, and the evidence shows she knew she had not performed the radiography on that date.

2. Created a Radiation Report, dated September 9, 2001, which indicated that Ms. Monro was the radiographer of record when radiography was performed on that date in Linden, New Jersey. The report, which was required to be maintained pursuant to 10 CFR 34.71, was inaccurate in that the radiography was actually performed by another individual rather than Ms. Monro. Ms. Monro's actions in creating this inaccurate report were deliberate in that Ms. Monro testified to OI that she was not working with the Licensee from late August 2001 until September 18, 2001, and therefore she could not have been performing radiography for the licensee on September 9, 2001. Further, another licensee employee testified that he performed the radiography at that location on that date, and Ms. Monro was not present. The evidence also shows she knew she had not performed the work on that date when she created the Radiation Report.

3. Created a Quarterly Field Audit record, dated September 8, 2001, which indicated that Ms. Monro conducted an audit of an assistant radiographer who was performing licensed activities at the Paulsboro site on September 8, 2001. The record, which was required to be maintained pursuant to 10 CFR 34.79, was inaccurate in that Ms. Monro was not at the Paulsboro site on that date. Ms. Monro's actions in creating this inaccurate record were deliberate in that Ms. Monro admitted, during an enforcement conference conducted on November 19, 2002, that she was not at the Paulsboro site on that date, and she knew at the time she completed the record that she had not conducted the audit.

4. Created a Radiation Monitoring Equipment Quarterly Inspection, Inventory and Assignment Log, dated September 10, 2001, which indicated that Ms. Monro completed a quarterly inspection of the licensee's radiation monitoring equipment. The log, which was required to be maintained pursuant to 10 CFR 34.73, was inaccurate in that Ms. Monro did not complete an inspection/inventory of the equipment on that date. Ms. Monro's actions in creating this inaccurate log were deliberate in that Ms. Monro admitted, during an interview with the OI investigator on April 11, 2002, that she signed the Log (which indicated that she conducted the inspection/inventory) even though she believed that it was conducted by someone other than herself; and Ms. Monro also testified to OI, during that interview on April 11, 2002, that she was not working with the Licensee from late August 2001 until September 18, 2001, and therefore she