

October 27, 2009

EA-09-016

Mr. Waleed L. Hijazin
Owner
Magna Chek, Inc.
32701 Edward Avenue
Madison Heights, MI 48071-1422

SUBJECT: CONFIRMATORY ORDER (EFFECTIVE IMMEDIATELY)
[NRC OFFICE OF INVESTIGATIONS REPORT NO. 3-2008-017]

Dear Mr. Hijazin:

The enclosed Confirmatory Order is being issued to Magna Chek, Inc. (Magna Chek) as a result of successful Alternative Dispute Resolution (ADR) sessions on August 4 and September 16, 2009. The enclosed commitments were made by Magna Chek as part of a settlement agreement concerning apparent violations that occurred at Magna Chek.

In a letter dated April 1, 2009, the U.S. Nuclear Regulatory Commission (NRC) provided to Magna Chek the results of an investigation completed by the NRC's Office of Investigations (OI). As indicated in our letter, the NRC reached a preliminary conclusion that Magna Chek had deliberately violated NRC requirements. A Factual Summary of the OI investigation was enclosed with our letter.

Our letter of April 1, 2009, offered you a choice to: (1) attend a Predecisional Enforcement Conference; or (2) request ADR with the NRC in an attempt to resolve any disagreement on whether violations occurred, the appropriate enforcement action, and the appropriate corrective actions. In response, you requested ADR to resolve differences you had with the NRC concerning the apparent violations. Mediation sessions were held on August 4 and September 16, 2009, and a preliminary settlement agreement was reached. The elements of the preliminary agreement were formulated and agreed to at the mediation sessions and are contained within the enclosed Order. Consistent with the purposes of ADR, you and the NRC acknowledged that the session was not for the purposes of reaching any conclusions regarding any facts or circumstances as discussed in the NRC's letter dated April 1, 2009.

In light of the corrective actions you have taken or agreed to take, as described in the enclosed Confirmatory Order, the NRC is satisfied that its concerns will be addressed by making your commitments legally binding through the enclosed Confirmatory Order. Therefore, the NRC has agreed not to pursue any further enforcement action in connection with the issues described in our April 1, 2009, letter to you.

The Appendix to Enclosure 1 Contains Sensitive Unclassified Non-Safeguards Information. Upon separation, this transmittal letter is decontrolled.

W. Hijazin

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The Confirmatory Order (Effective Immediately) is to confirm the commitments made as part of the settlement agreement. As evidenced by your signed "Consent and Hearing Waiver Form" (copy enclosed) dated September 30, 2009, you agreed to issuance of this Confirmatory Order.

Pursuant to Section 223 of the Atomic Energy Act of 1954, as amended, any person who willfully violates, attempts to violate, or conspires to violate, any provision of this Order shall be subject to criminal prosecution as set forth in that section. Violation of this Order may also subject the person to civil monetary penalties.

You are not required to respond to this letter. However, if you choose to provide a response, please provide it to me within 30 days at U.S. Nuclear Regulatory Commission, Region III, 2443 Warrenville Road, Lisle IL 60532. Additionally, please mark your entire response "Security-Related Information -- Withhold from Public Disclosure under 10 CFR 2.390." In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response to this letter. However, to the extent possible, your response should not include any personal privacy, proprietary, or safeguards information. If you have any questions or comments concerning this letter, please contact Mr. Steven Orth of my staff at 630-810-4373.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and the Order, absent its Appendix, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. The Order will also be published in the Federal Register. However, because the Appendix to the Order contains Security-Related Information, it will not be made available electronically for public inspection. The NRC will also include this letter and the Order, absent its Appendix, on its Enforcement Web site at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions>.

Sincerely,

/RA by Cynthia D. Pederson Acting for/

Mark A. Satorius
Regional Administrator

Docket No. 030-18632
License No. 21-19111-02

Enclosures:

1. Confirmatory Order
2. Consent and Hearing Waiver Form

cc: State of Michigan

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W. Hijazin

-2-

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Regional Administrator

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1. Confirmatory Order
2. Consent and Hearing Waiver Form

cc: State of Michigan

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DATE	10/22/09	10/22/09	10/23/09	10/21/09	10/19/09	10/21/09	10/23/09	10/26/09	10/27/09

OFFICIAL RECORD COPY

¹ FSME concurrence received per M. Burgess via e-mail from G. Bowman on October 21, 2009.
² OE concurrence received per M. Clark via e-mail from G. Bowman on October 19, 2009.
³ OGC No Legal Objection per G. Bowman received via e-mail from G. Bowman on October 21, 2009.

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Letter to Waleed L. Hijazin from Mark A. Satorius dated October 27, 2009

SUBJECT: CONFIRMATORY ORDER (EFFECTIVE IMMEDIATELY)
NRC OFFICE OF INVESTIGATIONS INVESTIGATION REPORT NO. 3-2008-017

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