

DCS

October 30, 1989  
EN 89-61A

OFFICE OF ENFORCEMENT  
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Photon Field Inspection, Inc. (EA 89-98)  
Saginaw, Michigan  
License No. 21-21010-01 **30-19660**

Subject: IMPOSITION OF CIVIL PENALTY - \$5,625

By EN 89-61 dated June 2, 1989 the Commission was notified of the intent of OE to issue a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$7,500 to Photon Field Inspection, Inc. This action was based on eight violations which, in the aggregate, represented an inadequate control over the licensee's safety program.

The licensee responded to the Notice in two letters dated July 26, 1989. In its response, the licensee denied two violations, did not deny the six remaining violations, offered reasons why the Severity Level of all the violations should be reduced, and why the civil penalty should not be imposed. After careful consideration of the licensee's response, the staff withheld the two violations denied for further review, and concluded that: the remaining violations were properly categorized in the aggregate at Severity Level III, and the licensee provided no basis for mitigation of the proposed civil penalty. However, since the two violations withheld for further review constitute 25% of the eight violations, the staff determined that the civil penalty should be reduced by \$1,875 to \$5,625. Licensee will be informed of the staff's decision on the two withheld violations at a later date.

Accordingly, an Order Imposing Civil Penalty in the amount of \$5,625 has been issued today. Under the terms of the Order, the licensee may within 30 days of the date of the Order, pay the civil penalty or request a hearing.

Contact: J. Johansen, OE, 23282 J. Lieberman, OE, 20741

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