

DCB

DEC 19 1989

Photon Field Inspection, Inc.
ATTN: Mr. Charles Garinger
President and Radiation
Safety Officer
1705 Boxwood
Saginaw, MI 48601

License No. 21-21010-01
EA Nos.: 89-098
89-243

Gentlemen:

This refers to the (1) U.S. Department of Labor (DOL) investigation into the April 26, 1989 complaint filed by Mr. Daniel Rice under the Energy Reorganization Act, and (2) the NRC Office of Investigations' (OI) review of allegations concerning your NRC licensed activities.

Based on our review of the DOL investigative findings, which were transmitted to you by DOL in a letter dated May 17, 1989, it appears that employee protection regulations delineated in 10 CFR 30.7 were violated with regard to the termination of Mr. Rice's employment.

In addition, based on the OI investigation, it also appears that your oral denials to NRC inspectors on April 6, 1989 that you did not conduct licensed radiographic operations subsequent to October 1988, may have been false and in violation of 10 CFR 30.9, "Completeness and Accuracy of Information" and/or Section 186 of the Atomic Energy Act of 1954, as amended. Further, your failure to maintain radiographic utilization logs of licensed radiographic operations conducted subsequent to October 1988 appears to be a willful violation of 10 CFR 34.27, "Utilization Logs". Specifically, the information obtained by OI indicates that on at least eight occasions since October 5, 1988, licensed radiographic operations were conducted, despite your denial to NRC inspectors of such activities and utilization logs of these activities were not maintained. The eight instances are listed below:

1. October 5, 1988 (Special Welding Services; Iridium-192)
2. October 12, 1988 (Special Welding Services; Iridium-192)
3. October 18, 1988 (Special Welding Services; Iridium-192)
4. November 21-23, 1988 (Special Welding Services; Iridium-192)
5. December 1, 1988 (Allied Tool and Die; Iridium-192 or Cobalt-60)
6. January 6, 1989 (Astech, Inc.; Iridium-192 or Cobalt-60)
7. February 20, 1989 (Allied Tool and Die; Cobalt-60)
8. March 20, 1989 (Astech, Inc.; Cobalt-60)

In serious cases where a licensee's actions raise questions about its commitment to safety or its fundamental trustworthiness, the Commission, pursuant to the Enforcement Policy delineated in 10 CFR Part 2, Appendix C, may exercise its authority to issue orders to modify, suspend, or revoke a license or take other enforcement action as deemed necessary. Decisions such as this are made on a case-by-case basis.

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Therefore, we would like to meet with you before January 8, 1990 at the Region III office in order to further discuss the DOL and OI findings so that we can better determine the appropriate enforcement action, if any, to be taken in your case.

We plan to contact you in the near future in order to schedule a mutually agreeable date for this meeting. If you have further questions regarding the proposed meeting, please contact Roy Caniano of my staff at (708) 790-5500.

Sincerely,

ORIGINAL SIGNED BY C. E. MORELIUS

Charles E. Morelius, Director
Division of Radiation Safety
and Safeguards

cc: DCD/DCR (RIDS)

bcc: J. Lieberman, OE
J. Goldberg, OGC
R. Bernero, NMSS
OI Case No. 3-89-006
AMS No. RIII-89-A-0013

RIII

wjs
Parker/jl
Slawinski
12/14/89

RIII

Caniano
Caniano Mallett
12/14/89

RIII

RIII

Pawluk
Pawluk Berson
12/14/89

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Berson

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Well
Well
12/14/89

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Morelius
Morelius
12/17/89

RIII

Paperiello
Paperiello
12/18/89