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March 22, 1994
EN 94-031

REGION III
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: University of Cincinnati Cincinnati, Ohio (EA94-039)
Docket No. 030-0276 License No. 34-06903-05

Subject: PROPOSED IMPOSITION OF CIVIL PENALTY - $5,000

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of $5,000 will be issued on or about March 25, 1994 to the University of Cincinnati. This action is based on licensee's loss of an eye applicator containing approximately 20 millicuries of strontium-90. The device was last observed on June 22, 1993, and was found to be missing on October 5, 1993. The licensee notified the NRC as required. The base civil penalty for this type of violation is $2,500. However, the civil penalty adjustment factors in the NRC Enforcement Policy were applied. The civil penalty was reduced 50 percent because the licensee identified the violation and was further reduced by an additional 50 percent for the licensee's corrective actions. However, the civil penalty was increased 100 percent because of the licensee's poor history in controlling its inventory of NRC licensed materials. The civil penalty was increased an additional 100 percent because the licensee had two earlier opportunities June 23 and August 8, 1993, to take inventories and discover the source was missing at that time.

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Notice:	March 25, 1994
Telephone Notification of Licensee:	March 25, 1994

The State of Ohio will be notified.

The licensee has thirty days from the date of the Notice in which to respond. Following NRC evaluation of the response, the civil penalty may be remitted, mitigated, or imposed by Order.

Contacts: Robert W. DeFayette, Region III (708-829-9666)
Roy J. Caniano, Region III (708-829-9804)

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