

DCS  
June 18, 1991  
EN 90-63B

OFFICE OF ENFORCEMENT  
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Mississippi X-Ray Service, Inc. (EA 90-095)  
Wesson, Mississippi  
Docket No. 150-0023

Subject: ORDER RESCINDING DECEMBER 19, 1990 ORDER IMPOSING CIVIL  
MONETARY PENALTY

By EN 90-63 dated June 26, 1990 the Commission was notified of the intent of OE to issue an Order Modifying License and a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$7,500 to Mississippi X-Ray Service, Inc. This action was based on violations of requirements for industrial radiography on April 26, 1990 near Richmond, Virginia.

The licensee responded to the Notice in letters dated July 23, August 31, and September 17, 1990 seeking mitigation based on the small size of the business and the hardship that the proposed civil penalty would impose. After careful consideration of the licensee's response, the staff concluded that the violation did occur as set forth in the Notice of Violation and Proposed Imposition of Civil Penalty. On December 19, 1990 an Order Imposing Civil Monetary Penalty was issued in the amount of \$7,500.

Thereafter, NRC learned that on October 29, 1990, the Licensee sold the business and filed a Certificate of Disposition of Materials with the State of Mississippi indicating that all radioactive materials were transferred on October 31, 1990. The license was terminated by the Mississippi State Department of Health on November 9, 1990. Information pertaining to these matters was provided by the Licensee and its counsel in letters dated May 2, 3, and 23, 1990.

In light of the fact that the license has been terminated, a letter is being issued today rescinding the NRC Order Modifying License issued June 26, 1990 and the Order Imposing a Civil Monetary Penalty in the amount of \$7,500 issued December 19, 1990.

Contact: G. Cant, OE, 23283

J. Lieberman, OE, 20741

Distribution

OWFN 10:30  
Chairman Carr  
Comm. Rogers  
Comm. Curtiss  
Comm. Remick

OWFN 10:30  
EDO  
DEDR  
DEDS  
CE  
NRR  
NMSS  
OI  
OGC

MNBB 10:30 PHIL 10:30  
OC IRM  
AEOD  
Op Ctr

NL 10:30  
RES

SECY  
OCA  
GPA  
SP

Regional Offices

RI 10:30 RIV 1  
RII      RV       
RIII     

MAIL

ADM: Doc. Mgt. Br.  
PDR ACRS  
OIG

9106120081 910618  
PDR I&E  
EN-91-063B PDR

EN 90-63B

10  
1E:33