

April 28, 2016
EN-16-007

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Plus LLC EA-13-190
Stamford, CT

Subject: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL
PENALTY - \$42,000

This is to inform the Commission that a Notice of Violation and Proposed Imposition of a Civil Penalty in the amount of \$42,000 will be issued on or about May 3, 2016, to Plus, LLC (licensee) for three Severity Level (SL) III violations. The three willful violations involved: (1) distribution of material to unlicensed persons without an NRC license to distribute in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 32.14; (2) possession of material (tritium) prior to obtaining an NRC license pursuant to 10 CFR 30.3; and (3) imported byproduct material into the United States without first obtaining a general or specific license in accordance with 10 CFR Part 110.

The licensee was given the opportunity to: (1) respond in writing, (2) request a pre-decisional enforcement conference (PEC), or (3) participate in an alternate dispute resolution mediation session. On March 14, 2016, a pre-decisional enforcement conference was held at the licensee's request, to discuss the apparent violation, their significance, the root causes, and the corrective actions.

In accordance with the Enforcement Policy, a combined base civil penalty (CP) in the amount of \$21,000 was considered for all three violations. Because the violations were willful, the NRC considered whether credit was warranted for both *Identification* and *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the NRC Enforcement Policy. Identification credit was not warranted because the violation was identified by the NRC, but Corrective Action credit was warranted for corrective actions taken by the licensee. The corrective actions included ceasing distribution of watches, obtaining a possession license from the NRC, and obtaining an NRC exempt-distribution license. Because the licensee made a deliberate decision not to follow the NRC requirements for economic benefit, the staff doubled the proposed CP, consistent with the Enforcement Policy, to \$42,000 to emphasize the importance of compliance with NRC requirements.

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
Telephone Notification of Licensee

May 3, 2016
May 3, 2016

The State of Connecticut will be notified.

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