

OFFICE OF ENFORCEMENT  
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: South Dakota Department of Transportation (EA 92-150)  
License No. 40-08669-04  
Docket No. 030-06371

Subject: PROPOSED IMPOSITION OF CIVIL PENALTY - \$3,400 AND  
DEMAND FOR INFORMATION

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty and Demand for Information in the amount of \$3,400 will be issued on or about December 22, 1992, to the South Dakota Department of Transportation (SD DOT). This action is based on several violations identified during an investigation and inspection of the SD DOT facilities in Brookings and Pierre, South Dakota, regarding the reported theft of a moisture/density gauge. The specific violations involve: (1) the failure to maintain constant surveillance of licensed material; (2) the failure to provide complete and accurate information to the NRC; (3) the failure to meet a number of requirements related to the transportation of radioactive material, and (4) six failures to meet the administrative requirements contained in NRC regulations.

The failure to secure licensed radioactive material against unauthorized removal was classified at Severity Level II because (1) the violation resulted in a significant potential for inadvertent radiation exposure to a member of the public and (2) the SD DOT employee's actions (leaving the device unsecured and unattended for 1.5 hours in a public parking lot) showed a careless disregard for the NRC requirements that are designed to prevent the loss of such material. In addition, the willful failure on the part of two individuals to provide complete information to the RSO and to ensure that the information provided to NRC was complete and accurate was classified as a Severity Level II violation. The violations associated with the transport of the gauge indicate a potentially significant lack of attention toward licensed responsibilities and were classified collectively as a Severity Level III problem.

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	December 22, 1992
Telephone Notification of Licensee	December 22, 1992

The State of South Dakota 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.

Contact: C. VanDenburgh, OE, 504-2747  
J. Lieberman, OE, 504-2741

PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL

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