

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Missouri Highway and Transportation Department
(EA 92-126)
Jefferson City, Missouri
Docket No. 030-18363

Subject: PROPOSED IMPOSITION OF CIVIL PENALTY - \$1,250

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$1250 will be issued on or about September 2, 1992, to the Missouri Highway and Transportation Department, Jefferson City, Missouri. This action is based on the failure of the licensee's gauge user to follow the licensee's emergency procedures after damaging a gauge and the failure of the gauge user to keep licensed material secured or under constant and immediate control. The user left the area to obtain assistance not realizing the source had broken off the device. It was fortuitous that no member of the public appears to have handled the source during the several hours it was unattended. Each violation was categorized at a Severity Level III. The base civil penalty was mitigated by 75 percent for efforts in determining the root cause for the self-disclosing violations and for prompt and extensive corrective actions. The proposed civil penalty for the second violation was escalated 200% of the base civil penalty to convey a stronger regulatory message as provided for in Section VII of the Enforcement Policy.

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	September 2, 1992
Telephone Notification of Licensee	September 2, 1992

The State of Missouri 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. Mullins, OE, 504-3283 J. Lieberman, OE, 504-2741

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