

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Edward M. Chadbourne, Inc., Pensacola, FL (EA 96-310)
Okaloosa Asphalt, Inc., Shalimar, FL (EA 96-311)
Baily Engineering and Testing, Inc., Pensacola, FL (EA 96-312)
Larry M. Jacobs and Associates, Inc., Pensacola, FL (EA 96-313)

Subject: PROPOSED EXERCISE OF ENFORCEMENT DISCRETION

This is to inform the Commission that the staff intends to exercise enforcement discretion in accordance with Section VII.B.6 of the Enforcement Policy and not issue a Notice of Violation or propose a civil penalty to the above entities licensed by the State of Florida. Normally, failure to obtain an NRC license in accordance with 10 CFR 30.3 or failure to file NRC Form 241 for reciprocity, as required by 10 CFR 150.20, would be classified as a Severity Level III violation and would include a proposed civil penalty. Enforcement discretion is being exercised in these cases and letters are being issued because it appears that these Agreement State licensees did not understand the regulatory requirements pertaining to work in areas of exclusive federal jurisdiction within the Agreement State and the licensees were unaware that they were conducting operations in areas under exclusive federal jurisdiction. Further, the licensees are being notified that future failure to obtain an NRC license or file Form 241 may be considered for escalated enforcement action.

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

Mailing of Notice	October 7, 1996
Telephone Notification of Licensee	October 7, 1996

The State of Florida will be notified.

Contacts: Mary L. Thomas, OE, 415-2739 J. Lieberman, OE, 415-2741

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PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION

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PDR I&E
EN-96-073 PDR

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