

OFFICE OF ENFORCEMENT  
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Grandin Testing Lab, Inc. (EA 96-382)  
Los Lunas, New Mexico  
Docket No. 999-90004 (New Mexico licensee)

Subject: PROPOSED IMPOSITION OF CIVIL PENALTY - \$2,500

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$2,500 will be issued on or about January 6, 1997 to Grandin Testing Lab, Inc., a state of New Mexico licensee which uses portable moisture/density gauges. This action is based on Grandin Testing Lab using gauges in areas of exclusive federal jurisdiction without proper authorization from the NRC. The company was put on notice by the U.S. Air Force of this problem, but left the matter to an employee who failed to correct it. Therefore, the staff has concluded that the violation resulted from careless disregard for the applicable requirements.

Because there was willfulness involved, i.e., careless disregard, the staff considered whether credit was warranted for identification and corrective action. Credit was not warranted for identification because the violation was identified by the NRC. Credit was warranted for corrective actions, which included prompt steps to come into compliance and longer term actions to prevent a recurrence once NRC identified the violation. Thus, a civil penalty at the base value is being assessed.

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	January 6, 1997
Telephone Notification of Licensee	January 6, 1997

The State of New Mexico 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.

Contacts: J. Delmedico, 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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