

May 20, 1997
EN 96-058A

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: National Institutes of Health
Bethesda, Maryland
Docket No. 030-01786

(EA 96-027)

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

By EN 96-058 dated August 16, 1996, the Commission was notified of the intent of OE to issue a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the amount of \$2,500 to the National Institutes of Health (NIH). This action was based on a Severity Level III violation involving the failure to secure from unauthorized removal, or limit access to, licensed materials present in unattended areas.

The licensee responded to the Notice in a letter dated September 23, 1996 and requested mitigation of the severity level and the civil penalty associated with the violations. After careful consideration of the licensee's response and consultation with the Commission, the staff has concluded that the licensee did not provide an adequate basis for mitigation of the severity level or the civil penalty. The staff submitted this action for Commission review in SECY-97-094 and was directed to issue the action via SRM dated May 16, 1997.

Accordingly, an Order Imposing Civil Monetary Penalty in the amount of \$2,500 will be issued today. Under the terms of the Order, the licensee may, within 30 days of the date of the Order, either pay the civil penalty or request a hearing.

Contacts: J. DelMedico, OE, 415-2739

J. Lieberman, OE, 415-2741

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VERIFICATION THAT LICENSEE HAS RECEIVED ACTION

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