

OFFICE OF ENFORCEMENT  
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: R&M Engineering Consultants (EA-05-023)  
Fairbanks, Alaska  
Docket No. 030-33802

Subject: CONFIRMATORY ORDER MODIFYING LICENSE

This is to inform the Commission that a Confirmatory Order Modifying License No. 50-23220-02 will be issued on or about May 5, 2005, to R&M Engineering Consultants. This action is based on an NRC inspection and investigation by the NRC's Office of Investigations (OI) which concluded that the licensee failed to leak-test two portable nuclear density gauges in accordance with its License Condition 12.D and failed to provide complete and accurate information to the NRC in accordance with the requirements of 10 CFR 30.9. Specifically, an OI investigation concluded that Mr. Wellman, R&M's President, willfully failed to leak-test the portable gauges in accordance with the requirements of the license. In addition, based on a review of the information in the investigation report, it was determined that Mr. Wellman willfully failed to provide NRC with complete and accurate information in his September 17, 2002, e-mail which indicated that the leak-test had been performed.

On February 8, 2004, the staff informed Mr. Wellman that the NRC was considering escalated enforcement. In response, Mr. Wellman agreed to transfer the gauges and terminate his NRC license. As such, the staff pursued the use of a Confirmatory Order to require the proper disposal of licensed material and subsequent termination of the license as the enforcement action. Mr. Wellman consented to a Confirmatory Order containing the NRC proposed conditions and waived any rights to a hearing on this matter. The Order will be effective upon issuance.

The schedule of issuance and notification is:

Mailing of Confirmatory Order	May 5, 2005
Telephone Notification of Licensee	May 5, 2005

The State of Alaska will be notified.

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DATE	5/2/05	5/2/05