

August 2, 2005
EN-05-029

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Craig Testing Laboratories
Mays Landing, NJ
Docket No. 030-14353

EA-05-109

Subject: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY -
\$3,250

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$3,250 will be issued on or about August 5, 2005, to Craig Testing Laboratories. This action is based on a Severity Level III problem involving (1) the failure to control and maintain constant surveillance of a portable gauge, (2) failure to lock the portable gauge and its transportation case during transport, and (3) failure to comply with the applicable requirements of the Department of Transportation regulations, examples of which include failure to properly block and brace a package during transport, failure to transport radioactive material with the required information on the labels, and failure to store the shipping paper within the immediate reach of the driver during transport. Specifically, the portable gauge, which was not locked, fell out of a transportation case while in transport. The gauge was found by a member of the public, who returned the gauge to the licensee approximately five days later.

Because this was not the first escalated enforcement action within 2 inspections, the staff considered whether credit was warranted for *Identification and Corrective Action*. Credit for identification is not warranted because the violations were identified as a result of an event, and not because of any special self monitoring effort by the licensee. Credit for corrective actions is warranted because the licensee's corrective actions, after identification, were considered prompt and comprehensive. Therefore, the staff is proposing imposition of the base civil penalty of \$3,250.

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
Telephone Notification of Licensee

August 5, 2005
August 5, 2005

The State of New Jersey and the Commonwealth of Pennsylvania will be notified.

Contacts: Audrey Hayes, OE, 415-3121 Christopher Nolan, OE, 415-3360

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

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OFC	OE	C	OE	
NAME	A. Hayes		C. Nolan	
DATE	08/02/05		08/02/05	

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