

April 12, 2006  
EN 06-014

OFFICE OF ENFORCEMENT  
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: GEO EXPLOR, Inc. (EA 06-017)  
San Juan, Puerto Rico 00926-6023  
Docket No. 030-35886

Subject: 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 April 17, 2006, to GEO EXPLOR, Inc.

This action is based on a Severity Level (SL) III problem involving the loss of a CPN-International Model MC-1 portable gauge containing NRC licensed radioactive material into the public domain for 6-days. Specifically, on August 16, 2005, during transport, an unsecured portable gauge fell off a transport vehicle and was lost on a public highway. The gauge user had not secured the gauge case with any of the two available chains in the bed of his pick-up truck, he had not blocked and braced the transport case to prevent it from shifting position, and he had failed to close the tailgate of the truck. The gauge was found by a member of the public and taken to a commercial warehouse. The intact and undamaged gauge was retrieved by the licensee on August 22, 2005. As a result, the lost nuclear gauge remained uncontrolled in the public domain.

Although application of the normal civil penalty assessment process would not have resulted in a civil penalty in this case, the revised Enforcement Policy, published December 18, 2000, (effective February 16, 2001) provides that, notwithstanding normal application of the civil penalty assessment process, a civil penalty of at least the base amount should normally be proposed in this type of case to reflect the significance of the violations and to emphasize the importance of maintaining control of licensed material (see Section VII.A.1(g) of the Enforcement Policy). Therefore, the staff is proposing imposition of the base civil penalty in the amount 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	April 17, 2006
Telephone Notification of Licensee	April 17, 2006

The Commonwealth of Puerto Rico will be notified.

The licensee has 30 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: Sally Merchant, OE, 415-2747; Chris Nolan, OE, 415-2741

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ADAMS ACCESSION No.: ML061020394

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