

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

September 04, 2008
EN-08-057

Licensee: R&M Engineering-Ketchikan, Inc.
Ketchikan, Alaska 99901
Docket No. 030-37441

(EA-08-076)

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

This notification is to inform the Commission that a Notice of Violation (Notice) and Proposed Imposition of Civil Penalty in the amount of \$3,250 will be issued on or about September 10, 2008, to R&M Engineering-Ketchikan, Inc. This action is based on a willful violation of 10 CFR 30.34(i) involving the failure to maintain a minimum of two independent physical controls that formed tangible barriers to secure a portable gauge from unauthorized removal during a period when the portable gauge was not under the control and constant surveillance of the licensee. Specifically, the licensee stored four portable gauges in its warehouse located in Ketchikan, Alaska, using only one independent physical control that formed a tangible barrier and the gauges were not under the control and constant surveillance of the licensee. In accordance with the NRC's Enforcement Policy, the violation is categorized as a Severity Level III violation.

Because there were willful aspects to the violation, the NRC considered whether credit was warranted for both *Identification* and *Corrective Action*, in accordance with the civil penalty assessment process in Section VI.C.2 of the Enforcement Policy. The staff determined that credit was not warranted for *Identification* because the violation was identified by the NRC during an inspection. However, credit for *Corrective Action* was warranted based on the prompt and comprehensive corrective actions by the licensee. Therefore, the NRC is proposing imposition of a base civil penalty of \$3,250 to emphasize the importance of prohibiting willful violations and of prompt identification and correction of violations.

In addition, a Notice of Violation for a Severity Level III will be issued to the individual due to a willful violation of 10 CFR 30.34(i) - Security requirements for portable gauges.

It should be noted that the licensee and the individual have not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of the Notice	September 10, 2008
Telephone Notification of Licensee	September 10, 2008

The State of Alaska will be notified.

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