

January 20, 2016
EN-16-001

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Megan, LLC
Bridgeport, CT

EA-15-184

Subject: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL
PENALTY - \$3,500

This is to inform the Commission that a Notice of Violation and Proposed Imposition of a Civil Penalty in the amount of \$3,500 will be issued on or about January 25, 2016, to Megan, LLC (licensee) for a Severity Level III violation. The violation involved the failure to use a minimum of two independent physical controls to secure the portable gauge as required by Title 10 of the *Code of Federal Regulations* 30.34(i).

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$3,500 is considered for a Severity Level III violation. Because the licensee had been subject to escalated enforcement action within the last 2 years and did not identify the violation, a civil penalty appeared to be warranted. Therefore, the licensee was given the opportunity to: (1) respond in writing, (2) request a pre-decisional enforcement conference, or (3) participate in an alternate dispute resolution mediation session. The licensee provided a written response.

The Nuclear Regulatory Commission (NRC) considered whether credit was warranted for Identification and Corrective Action in accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy. Credit for identification was not warranted because the violation was identified by the NRC. However, credit for corrective action was warranted. The corrective actions included: (1) establishing two tangible barriers by locking all doors and windows in the car, and securing the gauge with a cable and lock inside the trunk of the car; (2) performing random inspections by Radiation Safety Officer when gauges are used at temporary job sites to ensure gauges are double locked in the car when not in use, and proper procedures are being followed when the gauge is in use; and (3) improving employee responsibility by issuing a personal fine to hold employees accountable for their actions.

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

January 25, 2016
January 25, 2016

The State of Connecticut will be notified.

CONTACTS: Leelavathi Sreenivas, OE/EB
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DISTRIBUTION: EN-16-001, January 20, 2016

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