



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 8, 2016

EA-13-190

Mr. Jay Gupta
Plus, LLC
1455 Washington Blvd
Stamford, CT 06902

SUBJECT: ORDER IMPOSING CIVIL MONETARY PENALTY - \$21,000

Dear Mr. Gupta:

This refers to your letter dated May 10, 2016, in response to the U. S. Nuclear Regulatory Commission (NRC) Notice of Violation and Proposed Imposition of Civil Penalty (Notice) sent as an enclosure to our letter dated May 3, 2016. Our letter and the Notice describe three willful violations identified by NRC investigations and records review.

To emphasize the importance of compliance with the NRC regulations, and prompt and comprehensive correction of violations that could adversely affect public health and safety, as well as life and property, a base civil penalty (CP) of \$21,000 was considered. The NRC also estimated that these willful violations resulted in Plus, LLC avoiding an estimated \$70,000 in annual license fees over the duration of the violations, and therefore, in accordance with the Enforcement Policy, the NRC determined that the use of enforcement discretion was appropriate to consider a combined total CP that doubles the combined base CP, for a total proposed civil penalty of \$42,000.

In your letter dated May 10, 2016, you acknowledged the facts involving the violations, however, you requested mitigation of the severity level of the violations and the proposed CP amount.

After consideration of your response, we have concluded that these violations occurred as stated, and that adequate basis does not exist for mitigation of the severity level. We have also concluded that an adequate basis does exist for mitigation of the proposed civil penalty amount and therefore, a reduced civil penalty in the amount of \$21,000 should be imposed. Accordingly, we hereby serve the enclosed Order on Plus, LLC imposing a CP in the amount of \$21,000. The NRC evaluation and the conclusions are provided in the enclosed Appendix to the Order. Within 30 days from the date of the enclosed Order you should either: (1) pay the civil penalty in accordance with Section IV of the Order, (2) request alternate dispute resolution (ADR) as described below, or (3) request a hearing in accordance with Section V of the Order.

You may request ADR with the NRC in an attempt to resolve this issue. ADR is a general term encompassing various techniques for resolving conflicts using a neutral third party. The technique that the NRC has decided to employ is mediation. Mediation is a voluntary, informal process in which a trained neutral (the "mediator") works with parties to help them reach resolution. If the parties agree to use ADR, they select a mutually agreeable neutral mediator who has no stake in the outcome and no power to make decisions. Mediation gives parties an opportunity to discuss issues, clear up misunderstandings, be creative, find areas of agreement,

and reach a final resolution of the issues. Additional information concerning the NRC's ADR program can be found at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>.

The Institute on Conflict Resolution (ICR) at Cornell University has agreed to facilitate the NRC's program as a neutral third party. If you are interested in pursuing this issue through the ADR program, please contact: (1) the ICR at (877) 733-9415; and (2) Mr. Hipolito González, at (301) 415-5637 within 10 days of the date of this letter. You may also contact both ICR and Mr. González for additional information. Your submitted signed agreement to mediate using the NRC ADR program will stay the 30-day time period for payment of the civil penalties, as identified in the enclosed Order, until the ADR process is completed.

In your response on May 10, 2016, you also provided an affidavit requesting that the discussion in your response regarding Plus LLC's small entity status as a basis for mitigating the civil penalty be withheld from public disclosure pursuant to 10 CFR 2.390. The NRC has reviewed your request and provided the response in a separate letter dated August 8, 2016.

We will review the effectiveness of your corrective actions during a subsequent inspection.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure(s) will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. The NRC also includes significant enforcement actions on its Web site (<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>).

Sincerely,

/RA/

Patricia K. Holahan
Director, Office of Enforcement

Docket Nos. 030-38874, 030-38780
License Nos. 06-35274-01E, 06-35183-01

Enclosures:

1. Order Imposing Civil Monetary Penalty
2. NUREG/BR-0254 Payment Methods

cc: NRC Region I

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