

December 6, 1989
EN 89-03A

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Basin Testing Laboratory, Inc. (EA 89-265)
Williston, North Dakota
General Licensee 10 CFR 150.20

Subject: IMPOSITION OF CIVIL PENALTY - \$5,000 AND ORDER TO SHOW CAUSE

By EN 89-03 dated January 13, 1989, the Commission was notified of the intent of OE to issue a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$5,000 to Basin Testing Laboratory, Inc., Williston, North Dakota. This action was based on violations involving use of a radiographer's assistant to independently conduct radiographic activities, failure to notify NRC of licensed activities in Wyoming and Montana, and failure to provide accurate information.

The licensee responded to the Notice in a letter dated February 22, 1989. In its response the licensee admitted the violations, and requested that the civil penalty be mitigated or retracted. In addition, part of the licensee's response was inconsistent with information already possessed by the NRC. The staff requested an OI investigation of this inconsistency. The investigation concluded that the licensee in its response had made a false statement of its knowledge of the requirements to notify the NRC of its activities in non-Agreement States (Wyoming and Montana).

After careful consideration of the licensee's response, the staff concluded that the licensee provided insufficient justification for retraction or mitigation of the civil penalty. In addition, based on the results of the investigation, the staff has substantial questions as to whether there is reasonable assurance that the licensee will comply in the future with the Commission's requirements.

Accordingly, an Order Imposing a Civil Penalty in the amount of \$5,000 has been issued today. Under the terms of the Order, the licensee may within 30 days of the date of the Order, pay the civil penalty or request a hearing. Concurrently, an Order to Show Cause Why the General License Should Not be Suspended is also being issued. Under the terms of this Order, the licensee has 20 days to Show Cause or request a hearing.

Contact: J. Johansen, OE, 23282 J. Lieberman, OE, 20741

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