

NOTICE OF VIOLATION  
AND  
PROPOSED IMPOSITION OF CIVIL PENALTY

Rocky Mountain Phoenix Surveys, Inc.  
Brighton, Colorado

Docket: 150-00005  
License: Colo. 838-01  
EA 94-058

During an NRC inspection conducted on February 16, 1994, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violation and associated civil penalty are set forth below:

10 CFR 150.20(b)(1) requires, in part, that before engaging in activities in non-Agreement States under the general license granted by 10 CFR 150.20(a), four copies of Form NRC-241 and four copies of the Agreement State specific license shall be filed with the Nuclear Regulatory Commission.

Contrary to the above, on August 20-21 and November 13-17, 1993, the licensee engaged in licensed activities in the state of Wyoming, a non-Agreement State, without submitting the required documents or otherwise notifying the NRC. 01013

This is a Severity Level III violation (Supplement VI).  
Civil Penalty - \$500

Pursuant to the provisions of 10 CFR 2.201, Rocky Mountain Phoenix Surveys, Inc. (Licensee) is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice of Violation and Proposed Imposition of Civil Penalty (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, and if denied, the reasons why, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that will be taken to avoid further violations, and (5) the date when full compliance will be achieved.

If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued to show cause why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required above under 10 CFR 2.201, the Licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with

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requirements, and you have developed procedures to ensure that you will comply with the notification requirements of the NRC or another Agreement State if you work outside of the state of Colorado.

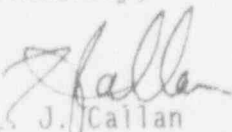
To emphasize the importance of compliance with the requirements of 10 CFR 150.20, as well as the importance of understanding the conditions of your state license, I have been authorized to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the amount of \$500 for the Severity Level III violation described above and in the enclosed Notice.

The base value of a civil penalty for a Severity Level III violation is \$500. The civil penalty adjustment factors in the Enforcement Policy were considered and, on balance, resulted in no adjustment. The NRC considered a 50 percent increase warranted because this violation was identified by the NRC, despite the existence of the specific license condition discussed above. However, we also considered a 50 percent decrease warranted because of your immediate and long-term corrective actions, which are summarized above. The remaining adjustment factors in the Enforcement Policy were considered and no further adjustments to the base civil penalty were considered appropriate.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this Notice, including your proposed corrective actions, and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response will be placed in the NRC Public Document Room. The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Sincerely,

  
L. J. Callan  
Regional Administrator

Enclosures:

1. Notice of Violation and Proposed Imposition of Civil Penalty
2. List of enforcement conference participants
3. 10 CFR Part 39

cc w/Enclosures 1-2:  
State of Wyoming  
State of Colorado