

July 31, 1987

Docket No. 030-17570  
License No. 37-17637-02  
EA 87-141

MEMORANDUM FOR: James Lieberman, Director, OE  
FROM: William T. Russell, Regional Administrator, Region I  
SUBJECT: PROPOSED CIVIL PENALTY - E. L. CONWELL AND COMPANY

Enclosed for your review and concurrence is a proposed enforcement action (letter and Notice of Violation and Proposed Imposition of Civil Penalty) for three violations identified during an NRC inspection conducted at the facilities of E. L. Conwell and Company, in Bridgeport and Ormrod, Pennsylvania and at a temporary field site in East Stroudsburg, Pennsylvania. One of the violations involves two examples of failure to secure, or maintain constant surveillance of, density gauges containing licensed material. The first example involved a specific gauge being left unsecured and unattended at the field site. The second example involved an unlocked and unattended door to the licensee's facility in Ormrod which contained 32 gauges.

In accordance with Section C.1 of Supplement VI of the Enforcement Policy, the violation involving the failure to secure, or maintain constant surveillance of, licensed material has been classified at Severity Level III. Since this violation involves two examples and is similar to one of the violations identified in 1985 for which a \$500 civil penalty was issued (Reference: EA 85-130), we propose increasing the base civil penalty amount (\$500) by 50%. Accordingly, a \$750 civil penalty is proposed. We do not recommend any further increase in the civil penalty amount because the licensee's corrective actions in response to these most recent examples were prompt and comprehensive, and at their own initiative. Specifically, in response to the event which occurred at the field site, the licensee (1) disciplined the responsible individual by suspending his authorization to use the gauge for 30 days; and (2) notified all gauge users, in writing, of this violation and of their responsibility to maintain proper surveillance of these gauges at all times, in particular, while in the field. In response to the finding of unsecured gauges at the Ormrod facility, the licensee immediately put a deadbolt and padlock on the door.

The other two violations, which involved failure to post a radiation area with a required warning sign, and failure to have shipping papers accompany a shipment of licensed material, have been classified at Severity Level IV.

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In accordance with your directive during the July 23, 1987 conference call with regional enforcement personnel, an Enforcement Documentation Quality Control Checklist has been completed and is attached, and will be provided with future enforcement cases submitted to OE.

William T. Russell  
Regional Administrator

## Enclosures:

1. Letter and Notice of Violation
2. Inspection Report No. 87-01
3. Documentation Quality Control Checklist

cc w/encls w/o checklist:

Enforcement Directors, RII-III

Enforcement Officers, RIV-RV

J. Goldberg, OGC

R. Cunningham, NMSS

B. Summers, OE (2)

K. Abraham, PAO

RI:ES *AM*  
Holody/gcb

7/29/87

RI:DRA  
Aljan

7/30/87

RI:DEDRO  
Taylor

7/ /87

RI:DRSS  
White

7/30/87

RI:DRSS  
Russell

7/3/87

RI:DRSS  
Joyner

7/30/87

NMSS  
Cunningham

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RI:DRSS  
Martin

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OGC  
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RI:RC  
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