

June 26, 1997
EN 97-059

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Hagerstown Construction Services, Inc. (EA 97-193)
Hagerstown, Maryland
Docket No. 150-00019

Subject: PROPOSED IMPOSITION OF CIVIL PENALTY - \$2,750

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the amount of \$2,750 will be issued on or about July 1, 1997, to Hagerstown Construction Services, Inc., Hagerstown, Maryland. This action is based on a Severity Level III violation involving numerous failures, in careless disregard to Commission requirements, to file NRC Form 241 for work involving moisture density gauges performed under an Agreement State license in States where NRC has licensing authority. The failure to file Form 241 resulted in NRC being unaware, for an extended period of time, that licensed activities were being conducted in NRC jurisdiction.

Because the violation is considered willful, consideration was given as to whether credit was warranted for *Identification* or *Corrective action*. Credit for identification is not warranted because the NRC identified the violation. Credit for corrective action is warranted because the company took immediate action to restore compliance once the violation was identified, and applied for an NRC license as a long term corrective action. This assessment resulted in the proposed civil penalty amount of \$2,750.

It should be noted that the company has not been specifically informed of the enforcement action. The schedule for issuance and notification is:

Mailing of Notice	July 1, 1997
Telephone Notification of Licensee	July 1, 1997

The State of Maryland will be notified.

The company has thirty days from the date of the Notice in which to respond. Following NRC evaluation of the response, the civil penalty may be remitted, mitigated, or imposed by Order.

Contacts: J. DelMedico, OE, 415-2739 J. Lieberman, OE, 415-2741

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PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION

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