

August 19, 1997
EN 97-077

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: H. H. Holmes Testing Laboratories, Inc. (EA 97-237)
Wheeling, Illinois
Docket No. 150-00012

Subject: PROPOSED IMPOSITION OF CIVIL PENALTY - \$2,500

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$2,500 will be issued on or about August 22, 1997, to H. H. Holmes Testing Laboratories, Inc. The action is based on a Severity Level III violation involving willful failures to file an NRC Form 241.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$2,500 is considered for a Severity Level III violation. Normally, a failure to file an NRC Form 241 by a moisture density gauge licensee is categorized as a Severity Level IV violation. In this case, however, the failure was categorized as a Severity Level III violation because the licensee willfully failed to file an NRC Form 241. Because the violation was willful, the staff considered whether credit was warranted for both *Identification* and *Corrective Action* in accordance with the civil penalty assessment process in Section VI.B.2 of the Enforcement policy. The violation was reported to NRC by the Illinois Department of Nuclear Safety, thus no credit for identification was warranted. The licensee's corrective actions were prompt and comprehensive, thus credit was warranted for corrective action. A civil penalty in the base amount of \$2,500 is being proposed.

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

Mailing of Notice	August 22, 1997
Telephone Notification of Licensee	August 22, 1997

The State of Illinois will be notified.

The licensee 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.

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

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EN-97-077 PDR

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