

U.S. NUCLEAR REGULATORY COMMISSION
Region III Office of Public Affairs
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NEWS ANNOUNCEMENT: RIII-99-40
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July 13, 1999

**NRC STAFF PROPOSES \$5,500 FINE AGAINST TESTING ENGINEERS
& CONSULTANTS, INC. FOR VIOLATIONS OF NRC SAFETY REQUIREMENTS**

The Nuclear Regulatory Commission staff has proposed a \$5,500 fine against Testing Engineers & Consultants, Inc., Troy, Michigan, for failing to keep a nuclear gauge under constant surveillance and for providing NRC inspectors with inaccurate information.

In July of last year, an NRC inspector observed one of the company's moisture density gauges unattended and unlocked for approximately ten minutes at a construction site in Saginaw, Michigan. The gauge operator had left the area to retrieve other equipment. The NRC requires that nuclear gauges that are in an unrestricted area be under constant surveillance by the operator or placed in a secured location.

Testing Engineers & Consultants is licensed by the NRC to use portable gauges containing encapsulated radioactive material for measuring moisture and density in soil and construction material at temporary job sites.

When questioned by NRC inspectors, the company's gauge operator failed to provide accurate information regarding where the gauge was stored during off-duty hours. The operator informed NRC inspectors that the gauge was returned to the company's office at the end of each work day. However, during a subsequent NRC investigation, it was revealed that the gauge was actually stored at the operator's residence each evening.

In notifying the company of the proposed fine, James E. Dyer, NRC Regional Administrator, said: "Although there were no actual safety consequences as a result of these violations, willful failures to comply with NRC requirements are of a significant concern to NRC."

He continued, "It is essential that the NRC be able to maintain the highest trust and confidence that licensees and their employees will act with integrity and abide by requirements designed to protect public health and safety."

Testing Engineers and Consultants has until August 7 to respond to the proposed fine, either paying it or protesting it. If the fine is subsequently imposed by the NRC staff, the company may request a hearing.

The NRC staff also issued a Notice of Violation to the company's gauge operator Bradley Sherwin. No fine is proposed. He also has until August 7 to respond.

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