

U.S. Nuclear Regulatory Commission

Office of Public Affairs Region
Ryan Hall, 2nd Suite
Arlington, Texas

Room 1000
CMEC, Inc. in person
CMEC, Inc.

Room 1000 Room 1000 S
No. 1000

NRC Room 1000 S
Room 1000 S

The Nuclear Regulatory Commission staff has proposed a rule against the Terracon Companies, Inc. of the enforcement of the safety requirements.

NRC initiated the violations during an inspection conducted. The NRC Office of Investigations also conducted an investigation into the matter and a full report was issued. Terracon and NRC officials discussed the violations at a pre-licensing enforcement conference on October 11 at the NRC Region Office in Arlington, Texas.

The NRC has determined that Terracon deliberately allowed personnel to not receive normal manufacturer's operator safety training to operate portable nuclear gauges despite a company commitment to provide such training in its NRC license application. The operators do not receive only in-house training.

Portable nuclear gauges contain radioactive material and are used in construction or to measure the moisture content and density of soil. If used on the gauges could result in the operator or others receiving a harmful radiation exposure.

NRC Regional Administrator Ellis J. Perschke in a letter to Terracon President Barry A. Johnson said that although there were no safety consequences of this violation, the NRC considers this a matter of significant regulatory concern because Terracon chose for business reasons to violate this requirement.

The violation has been classified as Severity Level 1 on the NRC's four-level scale for the base civil penalty is \$10,000. Level 1 violations are the most serious. The penalty was doubled as permitted by NRC policy because the violation was discovered by NRC inspectors and as a result of corrective actions. The penalty was not applied to the company.

Terracon is required to respond in writing to the NRC documenting the specific actions taken and any additional actions planned to prevent a recurrence of the violations. The company has 30 days to pay the fine or file a protest. If the protest is denied, the company may request a hearing.