

U.S. NUCLEAR REGULATORY COMMISSION
Region III Office of Public Affairs
801 Warrenville Road, Lisle, IL 60532-4351

NEWS ANNOUNCEMENT: RIII-97-100 November 20, 1997
CONTACT: Jan Strasma 630/829-9663
Angela Greenman 630/829-9662
E-mail: opa3@nrc.gov

NRC TO HOLD PREDECISIONAL ENFORCEMENT CONFERENCE
WITH MICHIGAN DEPARTMENT OF TRANSPORTATION ON APPARENT VIOLATIONS

The Nuclear Regulatory Commission staff will meet November 21 with representatives of the Michigan Department of Transportation, Lansing, Michigan, for a predecisional enforcement conference on apparent radiation safety violations.

The meeting will start at 10:00 a.m. in the Third Floor Conference Room of the NRC Region III Office, 801 Warrenville Road, Lisle, Illinois. It is open to public observation. NRC officials will be available at its conclusion to answer questions from the news media and other interested observers.

The discussion will focus on two incidents in September and October in which the agency apparently failed to maintain control of two nuclear gauges. Portable gauges containing small amounts of radioactive material are used by the agency to measure the moisture, density, and asphalt content of construction materials at temporary job sites.

In the first incident, an operator in Warren, Michigan, forgetting that he had placed the gauge in front of his vehicle, ran into it. The second incident occurred in Wayne, Michigan. After conducting a test with a nuclear gauge, an operator went to his vehicle to prepare equipment for testing. While he was about 15 feet from the gauge, a piece of heavy equipment (a grader) ran over it.

In both cases, only the outer portions of the gauges were damaged. The radioactive sources remained intact. Therefore, neither incident resulted in radiation exposures to the operators or the public.

Another apparent violation that will be discussed is the failure by the agency's radiation safety officer to present, as required, findings of an annual audit to management. This violation was identified by an NRC inspector in October.

The decision to hold an enforcement conference does not mean the NRC has determined that a violation has occurred or that

enforcement action will be taken. Rather, the purpose is to discuss apparent violations, their causes and safety significance; to provide the licensee an opportunity to point out any errors that may have been made in the NRC inspection report; and to enable the company to outline its proposed corrective actions.

No decision on the apparent violations or any contemplated enforcement action, such as a fine, will be made at this conference. Those decisions will be made by senior NRC officials at a later date.

#