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# NRC NEWS

## U.S. NUCLEAR REGULATORY COMMISSION

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### **NRC PROPOSES \$3,000 FINE AGAINST W.VA. FIRM FOR FAILING TO MAINTAIN CONTROL OF NUCLEAR GAUGE**

The Nuclear Regulatory Commission staff has proposed a \$3,000 civil penalty against a West Virginia company for a failure to maintain control over a portable nuclear gauge. The device, which contains radioactive material, is used for industrial purposes such as measuring soil density.

Based on an investigation by the NRC's Office of Investigations, the agency has determined that a technician for Triad Engineering, Inc., willfully left the gauge unattended, unsecured and unlocked for a short period of time in October 2002. The technician was using the gauge at a temporary job site at West Virginia University, in Morgantown, W. Va., at the time.

The NRC considers the violation to be willful because during an interview with the NRC's Office of Investigations, the technician admitted that even though he knew he should not leave the gauge unattended and unsecured as a result of his past training and experience, he failed to consider that when he left the area. The technician also stated that he did not believe leaving the device unsecured and out of his range of surveillance would be a problem because it was in his truck and he only planned to walk about 150 feet away from the vehicle for about a minute.

"Willful violations are serious concerns because the NRC's regulatory program relies, in part, on the honesty and integrity of licensees and their employees. As such, willful violations cannot be tolerated," NRC Region I Administrator Hubert J. Miller wrote to the company in a letter notifying the company about the violation.

Triad has informed the NRC that it has implemented several corrective actions in response to the event. These include disciplinary action against the technician; conducting safety talks with all of its technicians regarding the violation and the importance of maintaining surveillance and control of gauges; and distributing memos to all of its authorized gauge users on requirements regarding the use and control of the devices.

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The company has 30 days from receipt of the letter to either pay the civil penalty or protest its imposition.

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