



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

January 3, 2005

Docket No. 03030661

License No. 12-28232-01

John K. Cook
Human Resources Manager
H. W. Lochner, Inc.
20 North Wacker Drive
Chicago, IL 60606

**SUBJECT: INSPECTION 03030661/2004001, H. W. LOCHNER, INC., ROCKY HILL,
CONNECTICUT SITE AND NOTICE OF VIOLATION**

Dear Mr. Cook:

On December 1, 2004, Jim Schmidt of this office conducted a safety inspection at 2110 Silas Dean Highway, Rocky Hill, Connecticut of activities authorized by the above listed NRC license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selected examination of representative records. The findings of the inspection were discussed with Rick Bray and Christopher Hylas of your organization at the conclusion of the inspection.

Based on the results of this inspection, it appears that your activities were not conducted in full compliance with NRC requirements. A Notice of Violation is enclosed that categorizes the violation by severity level in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG 1600. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

Please note that on October 25, 2004, the NRC suspended public access to ADAMS, and initiated an additional security review of publicly available documents to ensure that potentially sensitive information is removed from the ADAMS database accessible through the NRC's web site. Interested members of the public may obtain copies of the referenced documents for review and/or copying by contacting the NRC Public Document Room pending resumption of public access to ADAMS. The NRC Public Document Room is located at NRC Headquarters in Rockville, MD, and can be contacted at 800-397-4209 or 301-415-4737 or pdr@nrc.gov.

J. Cook
H. W. Lochner, Inc.

2

Your cooperation with us is appreciated.

Sincerely,

Original signed by John D. Kinneman

John D. Kinneman, Chief
Security and Industrial Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
Christopher Hylas, Radiation Safety Officer
State of Illinois
State of Connecticut

J. Cook
H. W. Lochner, Inc.

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OFFICE	DNMS/RI	N	DNMS/RI	N	DNMS/RI			
NAME	Jschmidt/jdk for:		JDKinneman/jdk					
DATE	12/30/2004		01/03/2005					

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

H. W. Lochner, Inc.
Chicago, IL

Docket No. 03030661
License No. 12-28232-01

During an NRC inspection conducted on December 1, 2004, one violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG-1600, the violation is listed below:

- A. Condition 14 of License No. 12-28232-01 requires that sealed sources in use be leak tested for contamination at intervals specified in the certificate of registration issued by the NRC under 10 CFR 32.210 or under equivalent regulations in an Agreement State. The leak test interval for the sources contained in the Troxler 3440 nuclear gauge is six months.

Contrary to the above, the licensee did not perform timely leak tests for Troxler 3440 nuclear gauges which were in use. Specifically, on December 1, 2004, two Troxler 3440 nuclear gauges being used were found to have leak tests last performed on July 15, 2003, which is greater than the required six month interval.

This is a Severity Level IV violation (Supplement IV)

Pursuant to the provisions of 10 CFR 2.201, H. W. Lochner, Inc. is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site at <http://www.nrc.gov/reading-rm.html>. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed

Notice of Violation
H. W. Lochner, Inc.

2

in the PDR, and provide the legal basis to support your request for withholding the information from the public.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated This 3rd day of January, 2005