

FACTUAL SUMMARY FOR OI REPORT 1-2004-019

This investigation was initiated by the Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region I, on April 9, 2004, to determine if Engineering Consulting Services (ECS) knowingly transferred radioactive material, specifically a Troxler portable nuclear density gauge, from the ECS Richmond, VA, office, as well as several other portable nuclear density gauges from the ECS Chantilly, VA, office, to an individual who was not licensed or otherwise authorized to receive them.

Based on the evidence developed during this investigation, OI (1) confirmed that the ECS Richmond, VA, facility sold a portable nuclear gauge to an unlicensed individual in violation of NRC requirements, but there was insufficient evidence to substantiate that the Richmond, VA, office sold the gauge knowing the individual was not licensed; and (2) substantiated that the ECS Chantilly, VA, facility willfully allowed the transfer of several other nuclear density gauges to the same unlicensed individual for servicing.

In making the conclusion that ECS Richmond, VA, sold a portable nuclear gauge to an unlicensed individual, the NRC considered the RSO admission to OI that he sold a gauge on September 15, 2003, to an individual without verifying that the individual was licensed to receive radioactive material. In not finding willfulness with the ECS Richmond office, OI considered that (1) ECS management assumed that the individual was licensed to possess and transport the gauge because the individual was previously used by ECS to service their gauges on-site as allowed by NRC regulations; and (2) OI found that the individual deliberately falsified a record in order to acquire the gauge from ECS Richmond and transport it to his place of business in Maine.

Regarding the OI conclusion that the ECS Chantilly, VA, office willfully allowed the transfer of several other nuclear density gauges to the same unlicensed individual for servicing, OI considered that they received several messages from the ECS Construction Services Manager questioning the authorization of the individual to receive/transfer gauges, and suggesting that they obtain all appropriate paperwork prior to relinquishing any gauges. Some gauges were transferred by ECS Chantilly to the individual in Maine three months after receipt of these messages.