



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

October 26, 2005

Docket No. 03033387
EA No.: 05-152

License No. 29-30107-01

Robert E. Hughes
Regional Chief Executive
U.S. Engineering Laboratories, Inc.
903 East Hazelwood Avenue
Rahway, NJ 07065

SUBJECT: U.S. ENGINEERING LABORATORIES, INC., ENFORCEMENT CONFERENCE
SUMMARY NO. 03033387/2005001

Dear Mr. Hughes:

Enclosed is a summary of the Predecisional Enforcement Conference held at the NRC Region I office on October 12, 2005 with you and your staff. The Conference was held to discuss the findings described in NRC Inspection Report No. 03033387/2004001 and Office of Investigations Report No. 1-2004-048 which were sent to you in a letter dated August 24, 2005.

Thank you for attending the Conference and for providing us with your perspective of the inspection and investigation findings. A summary of the conference is enclosed. You will be notified of our decision on enforcement action under separate cover.

Thank you for your cooperation.

Sincerely,

Original signed by John D. Kinneman

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

Enclosure:
Enforcement Conference Summary Report No. 03033387/2005001

cc w/encl:
Martin Mygrant, Radiation Safety Officer
Commonwealth of Pennsylvania
State of New Jersey

R. Hughes
U.S. Engineering Laboratories, Inc.

2

DOCUMENT NAME: E:\Filenet\ML053000102.wpd

SISP Review Complete: K. D. Modes

After declaring this document "An Official Agency Record" it will be released to the Public.

To receive a copy of this document, indicate in the box: "C" = Copy w/o attach/encl "E" = Copy w/ attach/encl "N" = No copy

OFFICE	DNMS/RI	N	DNMS/RI		DNMS/RI			
NAME	KModesKAD		JKinneman jdk					
DATE	10/18/2005		10/26/05					

OFFICIAL RECORD COPY

U.S. NUCLEAR REGULATORY COMMISSION
REGION I

ENFORCEMENT CONFERENCE SUMMARY

EA No. 05-152

Inspection Report No. 03033387/2005001

Investigation Report No. 1-2004-048

Docket No. 03033387

License No. 29-30107-01

Licensee: U.S. Engineering Laboratories, Inc.

Facility Name: U.S. Engineering Laboratories, Inc.
903 East Hazelwood Avenue
Rahway, New Jersey 07065

Conference Date and Time: October 12, 2005 at 1:15PM

Conference Location: NRC Region I, King of Prussia, Pennsylvania

	/RA/	10/27/05
Inspectors:	_____	_____
	Kathy Dolce Modes Health Physicist	date
	/RA by John Kinneman Acting For/	10/27/05
	_____	_____
	Donna M. Janda Health Physicist	date
	/RA/	10/27/05
Approved By:	_____	_____
	John D. Kinneman, Chief Materials Security and Industrial Branch Division of Nuclear Materials Safety	date

CONFERENCE SUMMARY

NRC Enforcement Conference Report No. 03033387/2005001

On October 12, 2005, representatives of U.S. Engineering Laboratories, Inc. (USEL) met with NRC management in the Region I office located in King of Prussia, Pennsylvania. The conference was held to discuss the findings described in NRC Inspection Report No. 03033387/2004001, the apparent violations documented therein, and the factual summary of NRC Office of Investigations (OI) Report No. 1-2004-048. The conference was closed to members of the public and the proceedings were transcribed.

Mr. George Pangburn briefly described the purpose of the conference. Mr. John Wray described the NRC Enforcement Policy and process. Mr. John Kinneman reviewed the apparent violations described in the inspection report and the apparent willful violation described in the OI factual summary.

Mr. Robert Hughes, using a PowerPoint presentation, reviewed the apparent violations, including the causes and corrective actions associated with each apparent violation. USEL has implemented the following corrective actions:

TRAINING:

- * USEL management held radiation safety meetings with the gauge operators to discuss the apparent violations immediately after the inspection in 2004 and again after the NRC inspection report was issued in 2005;
- * All gauge operators were required to read the NRC inspection report;
- * All gauge operators attended a meeting in which safe gauge operating procedures, dosimetry and ALARA were discussed;
- * All gauge operators attended a radiation safety meeting to discuss License Condition 10;
- * The Radiation Safety Officer (RSO), Assistant RSOs, Chief Executive Officer and Corporate RSO attended a Radiation Safety Officer training course; and,
- * USEL has obtained the services of a new consultant who will perform training and annual audits of USEL's radiation safety program.

NEW POLICY AND PROCEDURE:

- * USEL implemented an enforcement policy regarding use of portable gauges. As outlined in the new policy, employees who fail to adhere to the license commitments and regulations may face disciplinary action;
- * The privileges of the gauge operator responsible for the apparent violations regarding security of the gauge at a temporary job site and failure to wear dosimetry were revoked until he completed a Radiation Safety training course;
- * USEL developed and implemented a new procedure regarding storage of portable gauges at temporary job sites;
- * Personnel exposure records were updated to reflect actual exposures; and,
- * A new Radiation Protection Program Guide was issued.

AUDIT/INSPECTION:

- * All gauges were returned to their respective offices on the dates of the Radiation Safety Meetings (9/24/04, 11/16/04, and 11/23/04) and all transport documentation and transport case labeling were immediately updated;
- * Each branch office has an Assistant Radiation Safety Officer (ARSO) who will verify proper storage and security of all gauges;
- * The gauge operators must request verification from the ARSO that the gauges picked up or returned to the storage area have been properly secured and have the proper transport documentation and case labeling;
- * Annual audits are being routed to upper management for review and corrective action. USEL management will conduct semi-annual meetings to discuss deficiencies associated with the audits and implement any corrective actions in order to prevent future violations; and,
- * Frequent field auditing will be conducted by a different management representative each quarter to ensure safe operating practices.

Mr. Rafael Silva briefly demonstrated USEL's PowerPoint training program for the HAZMAT requirements and radiation safety meetings, emphasizing the proper storage and security requirements.

Mr. Martin Mygrant provided a copy of the licensee's presentation (ADAMS Accession No. ML052920162) and discussed his review of personnel exposure reports. He concluded that some personnel were not properly storing their dosimetry and that higher-than-normal exposures were recorded. Mr. Mygrant indicated that he has corrected the dosimetry reports to only reflect actual exposures and discussed these findings with the gauge operators.

The gauge operator explained that he was trained by Troxler Electronic Laboratories in 1993 and recalls that security of the gauge was to ensure that the gauge was safe from damage. He had worked at the temporary job site in Cranbury, New Jersey for 6 months prior to the on-site inspection and was familiar with the workers and thought the gauge was safe. Since this inspection and subsequent re-training, he has a new understanding consistent with the regulations regarding maintaining constant control and surveillance.

Mr. Kinneman asked the individual if he would like a private conference to meet with the NRC. The individual declined a private conference and was able to articulate his information at this conference.

Mr. Wray provided closing comments on the enforcement policy and enforcement options available to the staff.

Mr. Pangburn thanked the licensee representatives for their attendance and adjourned the meeting.

LIST OF PERSONS ATTENDING

Licensee - U.S. Engineering Laboratories, d/b/a U.S. Laboratories

Robert Hughes, Regional Chief Executive
Rafael Silva, Corporate Radiation Safety Officer
Martin H. Mygrant, Radiation Safety Officer (RSO)
Jack Branyan, Operations Manager for the Broomall office and Assistant RSO
Individual, gauge operator from the Rahway office

NRC

George Pangburn, Director, Division of Nuclear Materials Safety (DNMS)
John D. Kinneman, Chief, Materials Security & Industrial Branch, DNMS
Karl Farrar, Regional Counsel
John Wray, Region I Enforcement Specialist
Sally Merchant, Headquarters Enforcement Specialist
Giovanni Longo, Office of General Counsel (via phone)
Ernest Wilson, Director, Office of Investigations-Region I Field Office
Donna Janda, Health Physicist, DNMS
Kathy D. Modes, Health Physicist, DNMS