



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

December 23, 2005

Docket No. 03017263

License No. 29-19282-01

William J. Boehler
General Manager/Radiation Safety Officer
Keegan Technology & Testing Associates, Inc.
210 Maple Place
Keyport, NJ 07735

SUBJECT: INSPECTION 03017263/2005001, KEYPORT, NEW JERSEY SITE AND
NOTICE OF VIOLATION

Dear Mr. Boehler:

On November 21 and 28, 2005, Michael Reichard and Kathy Modes of this office conducted a safety inspection at the above address 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 you and Mr. Chen 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 each violation by severity level. 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.

Current NRC regulations are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, industrial, and academic uses of nuclear material**; then **toolkit index page**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **What We Do, Enforcement**, then **Enforcement Policy**. Or you may obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays).

W. Boehler

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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:
Song Chen, P.E., Laboratory Director
State of New Jersey

W. Boehler

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DATE	12/21/2005		12/21/2005		12/22/2005			

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NOTICE OF VIOLATION

Keegan Technology & Testing Associates, Inc.
Keyport, NJ

Docket No. 03017263
License No. 29-19282-01

During an NRC inspection conducted on November 21 and 28, 2005, six violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Condition 13 of License No. 29-19282-01 requires, in part, that sealed sources be tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or under equivalent regulations of an Agreement State.

Contrary to the above, between January 1, 2001 and November 21, 2005, sealed sources were not tested for leakage at the intervals specified in the certificates of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or under equivalent regulations of an Agreement State. Specially, Troxler gauge models 3411B (Serial Numbers 7639, 13493, 10703), 4640B (Serial Numbers 1198, 2025, 620), and 3440 (Serial Numbers 17106, 16356) were leak tested annually, instead of semi-annually, as required.

This is a Severity Level IV violation (Supplement VI).

- B. Condition 11 of License No. 29-19282-01 requires, in part, that licensed material only be used by, or under the supervision and in the physical presence of, individuals who have received the training described in the letter dated November 14, 1995. The letter dated November 14, 1995 states, "We confirm that any individual will be adequately and successfully trained by a gauge manufacture's course."

Contrary to the above, as of November 28, 2005, one gauge user had not completed the gauge manufacturer's course.

This is a Severity Level IV violation (Supplement VI).

- C. 10 CFR 20.1101 (c) requires, in part, that the licensee shall periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, between January 1, 2003 and November 28, 2005, the licensee did not periodically (at least annually) review the radiation safety protection content and implementation.

This is a Severity Level IV violation (Supplement IV).

D. 10 CFR 71.5(a) requires that a licensee who transports licensed material outside of the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for the transport, comply with the requirements of the regulations appropriate to mode of the transport of the Department of Transportation (DOT) in 49 CFR Part 170 through 189.

1. 49 CFR 172.702 requires that each hazmat employer shall ensure that each hazmat employee is trained and tested, and that no hazmat employee performs any function subject to the requirements of 49 CFR 171-177 unless trained, in accordance with Subpart H of 49 CFR Part 172. The terms Hazmat Employer and Hazmat Employee are defined in 49 CFR 171.8.

49 CFR 172.704 (c)(2) requires, in part, that a hazmat employee shall receive the training required by this subpart at least once every three years.

Contrary to the above, as of November 28, 2005, one hazmat employee had never received the required training; four other hazmat employees last received the training on July 1995, May 1996, January 2001, and January 2001.

This is a Severity Level IV violation (Supplement V).

2. 49 CFR 172.301 requires, in part, that each package used in transport shall be marked with the proper identification number, preceded by "UN" or "NA" as appropriate for the material as shown in the 49 CFR 172.101 Table.

Contrary to the above, as of November 28, 2005, each package used in transport was not marked with the proper identification number, preceded by "UN" or "NA" as appropriate for the material as shown in the 49 CFR 172.101 Table. Specifically, the shipping papers showed the UN number as UN2974, instead of the correct UN number of UN3332.

This is a Severity Level IV violation (Supplement V).

3. 49 CFR 177.817 (e)(2)(i) requires, in part, that when the driver is at the vehicle's controls, the shipping paper shall be within immediate reach while restrained by the lap belt; and either readily visible to a person entering the driver's compartment or in a holder which is mounted to the inside of the door on the driver's side of the vehicle.

Contrary to the above, on November 28, 2005, the licensee failed to store the shipping paper within the immediate reach of the vehicle driver during transport.

This is a Severity Level IV violation (Supplement V).

Pursuant to the provisions of 10 CFR 2.201, 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. 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 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 23rd day of December 2005