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Contact: Diane Screnci, 610/337-5330
Neil Sheehan, 610/337-5331

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E-mail: opal@nrc.gov

NRC PROPOSES \$3,250 CIVIL PENALTY AGAINST FIRM IN PUERTO RICO FOR LOSS OF PORTABLE NUCLEAR GAUGE

The Nuclear Regulatory Commission has proposed a \$3,250 fine against a San Juan, Puerto Rico-based company for violations associated with the loss of a portable nuclear gauge in August 2005. The gauge, which contains radioactive material, is used for industrial purposes such as measuring soil density.

On Aug. 16, 2005, an employee of GEO-EXPLOR, Inc., was using the gauge at a temporary job site in Dorado, Puerto Rico. When finished with the work, the employee placed the device in the open bed of a pickup truck but failed to secure it to the vehicle or to close the tailgate. After traveling for less than a mile on a public highway, the driver realized the container holding the gauge had fallen off the truck. Although the employee retraced his route, he was unable to locate the device. It was subsequently recovered – intact and undamaged – by a member of the public, then stored in a commercial warehouse before being returned to the company on Aug. 22, 2005.

Based on an inspection conducted on Nov. 15, 2005, the NRC has identified three violations of agency requirements with regard to the event. Specifically, a company employee failed to maintain control and constant surveillance of the gauge when it was lost on the highway and kept in the commercial warehouse; the employee failed to use two independent physical controls to secure the container in which the gauge was being transported even though there were two available chains in the truck's bed; and the employee placed the case holding the gauge in the truck bed without securing it in any way and without closing the vehicle's tailgate.

“Although the gauge was locked in the shielded condition and it was in a locked transport case at the time it was found by the member of the public, these violations are of concern to the NRC because (1) the gauge was in the public domain for approximately 6 days, and (2) such sources can result in unintended radiation exposure to an individual if the (radioactive) source is not in the shielded position,” NRC Region I Administrator Samuel J. Collins wrote in a letter to GEO-EXPLOR regarding the enforcement action.

The company was given an opportunity to respond to the apparent violations identified by the NRC by either submitting a written response or attending a predecisional enforcement conference.

In a letter dated March 6, GEO-EXPLOR wrote that it agreed with the information regarding the apparent violations and described steps it had taken to prevent a recurrence, including retraining its entire staff on gauge use and transportation. The NRC concluded that the corrective actions were comprehensive. However, a civil penalty was proposed consistent with the NRC policy for cases involving the loss of such materials.

The firm is required to provide the NRC with a written reply to the enforcement action within 30 days.

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