



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

March 20, 2007

Docket No. 03012145
EA-07-004

License No. 29-14150-01

Terry J. Kifer
General Manager
Certified Testing Laboratories, Inc.
155 U.S. Route 130
Bordentown, NJ 08505

SUBJECT: INSPECTION 03012145/2006001, CERTIFIED TESTING LABORATORIES, INC., BORDENTOWN, NEW JERSEY, NOTICE OF VIOLATION AND EXERCISE OF ENFORCEMENT DISCRETION

Dear Mr. Kifer:

On August 1, 2, September 19, and December 20, 2006, Sattar Lodhi of this office conducted a safety inspection at the above address, and at your temporary job site in Gloucester City, New Jersey, 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 at the conclusion of the inspection on March 7, 2007.

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. The Notice includes a violation of 10 CFR 30.34(i) which requires a minimum of two independent physical controls to secure portable gauges from unauthorized removal whenever the gauge is not under the control and constant surveillance of the licensee. Such violations are normally categorized at Severity Level III and considered for escalated enforcement action, but since (1) one physical control existed to prevent loss or theft of the portable gauge, (2) you retained possession of the gauge, (3) you took appropriate action to correct the violation and prevent recurrence of similar violations in the future, and (4) the violation was not willful, we are exercising enforcement discretion to categorize this violation at Severity Level IV. However, any future violations of 10 CFR 30.34(i) will be categorized at Severity Level III and evaluated for a civil penalty in accordance with Section VI.C. of the Enforcement Policy.

During the inspection the inspector determined that you took immediate actions to correct the violations. These actions included providing an additional barrier to secure portable gauges from unauthorized removal, and installing additional shielding within the storage closet to reduce the radiation levels to below the regulatory limit in unrestricted areas. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

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 **About NRC, Organization and Functions, Office of Enforcement, About Enforcement**, then **Enforcement Policy**. You may also 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).

Please contact Marie Miller, Chief, Materials Security and Industrial Branch at (610) 337-5205 if you have any questions.

Sincerely,

Original signed by John D. Kinneman

Brian E. Holian, Director
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
Darryl F. Schultz, Radiation Safety Officer
State of New Jersey

T. Kifer

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NOTICE OF VIOLATION

Certified Testing Laboratories, Inc.
Bordentown, NJ

Docket No. 03012145
License No. 29-14150-01
EA-07-004

During an NRC inspection conducted on August 1, 2, September 19, and December 20, 2006, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 30.34(i) requires that each portable gauge licensee use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.

Contrary to the above, the licensee did not use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever the portable gauges are not under the control and constant surveillance of the licensee. Specifically, on August 2, 2006, the licensee stored a portable gauge in the back of an open-bed truck that was parked in an unrestricted area and was not attended. The gauge was in its transport container that was secured with two independent cables, but the container had only one lock that constituted only one physical control as the gauge could be removed by breaking the lock.

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

- B. 10 CFR 20.1301(a)(2) requires, in part, that each licensee conduct operations so that the dose in any unrestricted area does not exceed 0.002 rem (2 mrem) in any one hour.

Contrary to the above, the licensee did not conduct operations so that the dose in any unrestricted area does not exceed 0.002 rem in any one hour. Specifically, on August 2, 2006, dose rates as high as 0.0035 rem/hr (3.5 mR/hr) existed in an unrestricted area outside the storage closet where two radiography cameras were stored.

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

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance will be achieved is already adequately addressed on the docket. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, EA-07-004" and send it 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).

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction.

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

Dated this 20th day of March 2007