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NRC PROPOSES \$9,750 FINE FOR RAHWAY, N.J., FIRM FOR PORTABLE NUCLEAR GAUGE VIOLATIONS

The Nuclear Regulatory Commission is proposing a \$9,750 civil penalty for U.S. Engineering Laboratories, Inc., of Rahway, N.J., for two violations of agency requirements involving the control and security of a portable nuclear gauge. The device, which contains small amounts of radioactive material, is used for such industrial purposes as checking the density of soil at construction sites.

The violations were identified during an NRC inspection conducted on March 7, 23 and 28, 2006, and during a subsequent investigation by the NRC Office of Investigations from April 7 to Aug. 15, 2006. The reviews were initiated after the NRC Region I Office was notified on March 2, 2006, by the Philadelphia Fire Department that a worker in the city's Water Department had discovered a box containing a portable nuclear gauge in a wooded area in the city's Northeast section. The gauge appeared to have been discarded along with miscellaneous other items. Fire Department employees recovered the gauge and secured it.

Subsequent review found that the gauge was intact, that it had not leaked and that it belonged to U.S. Engineering Laboratories. Further, it was learned that the gauge was used out of the company's office in Broomall, Pa., but incomplete user logs prevented a precise determination as to when and where the gauge had gone missing.

The two violations identified as a result of the NRC inspection and investigation are failure to maintain constant surveillance of licensed nuclear material in an unrestricted area, which led to the gauge being missing for approximately 5 months, and a failure to immediately report the theft or loss of the NRC-licensed material. In addition, the NRC is citing two other violations: A failure to properly sign the gauges in and out of a log book at the location and a failure to perform a physical inventory of all devices under the company's NRC license every 6 months.

NRC staff discussed the violations with U.S. Engineering Laboratories representatives during a predecisional enforcement conference on April 4, 2007. During that meeting, the firm discussed corrective actions taken to prevent a recurrence, including the retraining of gauge users regarding communications requirements when a gauge is missing and procedural changes on the logging of gauges.

U.S. Engineering Laboratories is required to provide the NRC with a response to the Notice of Violation and the proposed civil penalty.

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