



# NRC NEWS

## U.S. NUCLEAR REGULATORY COMMISSION

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### **NRC TO DISCUSS APPARENT VIOLATION WITH NEW JERSEY FIRM**

The Nuclear Regulatory Commission (NRC) staff will meet with representatives of a Hopelawn (Middlesex County), N.J., company on Tuesday, Dec. 18, to discuss an apparent violation of agency requirements involving the control and security of NRC-licensed radioactive materials. The apparent violation by Materials Testing, Inc. (MTI), is based on an NRC inspection that identified two examples of a failure to properly secure portable nuclear gauges. Both examples involved gauges not being properly secured or under the direct control and constant surveillance of company employees.

Known as a predecisional enforcement conference, the meeting is scheduled to begin at 11 a.m. at the NRC Region I Office, at 475 Allendale Road in King of Prussia, Pa. It will be open to the public for observation and there will be an opportunity for interested attendees to ask questions of NRC staff before adjournment.

On June 19, 2007, NRC inspectors performed an unannounced inspection at MTI facilities in Neffs (Lehigh County), Pa. During this review, the inspectors observed three portable nuclear gauges that had been left unattended by company staff and were not secured by a minimum of two tangible barriers to prevent unauthorized removal, as required by NRC regulations. (Nuclear gauges, which contain small amounts of radioactive material, are used for such purposes as measuring the density of soil at construction sites.)

During the same review, the inspectors observed an MTI authorized gauge user enter the Neffs facility and report that he was transporting a portable nuclear gauge in his personal vehicle because a company truck had broken down that morning. When the inspectors walked outside to examine the vehicle, they saw that the gauge was being transported in the rear of a locked vehicle that had the driver-side and passenger-side windows open. The gauge was therefore left unattended and without two tangible barriers to prevent theft during the time the authorized user was inside the MTI facility.

The NRC's inspection report notes that MTI was cited for similar violations during a previous inspection, in 2006, and that as such the company's corrective actions were not effective.

The purpose of the Dec. 18<sup>th</sup> meeting is to obtain information to enable the NRC to determine what, if any, enforcement action is warranted. There will be an effort to come to a common understanding of the facts and a discussion of root causes of the event and corrective actions undertaken by the company.

No enforcement decision will be made by the NRC staff at the session. Rather, NRC management will render a decision following a final evaluation of the apparent violations.

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