



# NRC NEWS

## U.S. NUCLEAR REGULATORY COMMISSION

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### **NRC PROPOSES \$3,250 FINE AGAINST INDIANA DEPARTMENT OF TRANSPORTATION FOR FAILURE TO PROPERLY SECURE NUCLEAR GAUGES**

The Nuclear Regulatory Commission has proposed a \$3,250 fine against the Indiana Department of Transportation, located in Greenfield, Ind., for violations of NRC requirements associated with two incidents of failure to use proper methods to secure a gauge containing nuclear material.

The first incident occurred on Sept. 10, when a portable nuclear gauge belonging to the state agency was stolen from a temporary job site in Indianapolis, Ind. The gauge was being used to measure the density of certain materials at a road construction site. The gauge operator had left the instrument unsupervised, on the ground, behind a pick-up truck for three to five minutes. During this time, the gauge was stolen. The gauge was recovered two hours later in a vacant lot.

The gauge was not damaged during the incident and the source containing nuclear material remained in a shielded position. There was no threat of radiation exposure to the public.

On Sept. 18, the Nuclear Regulatory Commission conducted a special inspection to review the circumstances of the theft, its causes, and Indiana Department of Transportation's proposed corrective actions. During the inspection, NRC inspectors observed another instance of inadequate implementation of physical protection requirements for nuclear material. A gauge was not properly secured in the back of a pick-up truck.

"Although there were no actual safety consequences resulting from these violations," said NRC Region III Administrator James Caldwell, "the NRC considers the loss of nuclear material, even if temporary, as a very serious matter. We expect organizations licensed by the NRC to possess nuclear material to follow federal regulations to ensure the safety of this material at all times."

The state agency has taken corrective actions to address the violations: all the agency's operators completed a refresher course on proper handling and transporting of nuclear gauges; the operator responsible for the violations has been reprimanded; all nuclear gauge operators will have to attend biennial refresher training; random check at temporary job locations will be performed to verify compliance with NRC regulations; and the Indiana agency will address safety and security of nuclear gauges at a state-wide Annual Indiana Department of Transportation Construction Conference in early 2008.

The Indiana Department of Transportation has until Jan. 12, 2008, to pay the fine or to protest it. If the fine is protested and subsequently imposed by the NRC staff, the company may request a hearing.

The letter notifying the state agency of the proposed fine has been posted to the NRC web site at: <http://www.nrc.gov/about-nrc/regulatory/enforcement/current.html#materials>.

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