September 22, 2009

Mr. Randy Morton
Branch Manager
ATC Associates
7988 Centerpoint Drive
Indianapolis, Indiana 46256-4042

SUBJECT: NRC REACTIVE INSPECTION REPORT NO. 030-13245/09-01(DNMS) - ATC ASSOCIATES INC.

Dear Mr. Morton:

On August 25, 2009, a Nuclear Regulatory Commission inspector conducted a reactive inspection at your Indianapolis, Indiana facility. The purpose of the inspection was to follow up on the theft of a Seaman Model C75A Nuclear Moisture Density Gauge that occurred on August 10, 2009. The enclosed report presents the results of this inspection.

This inspection was an examination of activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on the results of this inspection, the NRC has determined that no violations of NRC requirements occurred with regards to the theft of the Seamans Nuclear Moisture Density Gauge that occurred at your employee's home in Crawfordsville, Indiana.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at http://www.nrc.gov/reading-rm/adams.html

Sincerely,

/RA by D. Wiedeman, Acting for/

Tamara E. Bloomer, Chief
Materials Inspection Branch

Docket No. 030-13245
License No. 13 -17732-01

Enclosure:
Inspection Report No. 030-13245/09-01(DNMS)

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Letter to Randy Morton from Tamara E. Bloomer dated September 22, 2009

SUBJECT: NRC REACTIVE INSPECTION REPORT NO. 030-13245/09-01(DNMS) - ATC ASSOCIATES INC.

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NUCLEAR REGULATORY COMMISSION

REGION III

Docket No.	030-13245
License No.	13 -17732-01
Report No:	030-13245/09-01(DNMS)
Licensee:	ATC Associates Inc.
Location Inspected:	7988 Centerpoint Drive Indianapolis, Indiana
Inspection Date:	August 25, 2009
Exit Meeting:	August 25, 2009
Inspector:	Edward Kulzer, Health Physicist
Approved by:	Tamara Bloomer, Chief Materials Inspection Branch

EXECUTIVE SUMMARY

ATC ASSOCIATES INC.
Indianapolis, IN
NRC Inspection Report 030-13245/09-01(DNMS)

This was a reactive inspection conducted on August 25, 2009, to review the circumstances associated with the licensee's report that a Seamans Model C75A moisture density gauge was stolen on August 10, 2009, in Crawfordsville, Indiana. The theft is believed to have occurred at the home of an authorized user after the authorized user had secured the gauge in a vehicle and left the vehicle unattended.

The inspector determined based on statements from the authorized user and his management that the gauge had been properly secured in the vehicle using two cables and two padlocks in accordance with the two barriers rule. The inspector determined based on statements from the authorized user, management, and a police report that the gauge was stolen along with other items while the authorized user was not present.

Report Details

1 Program Scope and Inspection History

The licensee is authorized by NRC License No. 13-17732-01 to possess and use portable gauges at temporary job sites anywhere in the United States where the NRC maintains regulatory jurisdiction. At the time of this inspection, the licensee possessed one Seamans Model C75A moisture/density gauge, containing authorized quantities of licensed material that was used throughout Indiana during the construction season. The licensee was previously inspected on May 24, 2006. There was a violation of 10 CFR 30.34(i) identified.

2 Event Chronology

2.1 Inspection Scope

The inspector interviewed the Licensee's Radiation Safety Officer (RSO), Mr. Robert Ramsey, the Branch Manager, Mr. Randy Morton, and the authorized user, Mr. Sam Dreyer, who was in possession of the gauge at the time the gauge was stolen. The inspector also observed a demonstration by the authorized user on how he secured the gauge to the pickup truck.

2.2 Observations and Findings

The inspector also reviewed the licensee's training records and noted that the authorized user had received proper training on how to secure the gauge.

2.3 Conclusions

On August 9, 2009, the authorized user transferred the gauge at his home to a vehicle on his property in order for the authorized user to travel to a family event without transporting the gauge. The authorized user stated that he secured the gauge to a second vehicle on his property that was not drivable. The authorized user stated that he secured the gauge in accordance with the two barrier requirement. He did not notice that the gauge was missing until the following day, August 10, 2009, when he went to work and noticed that his GPS was no longer in his vehicle. He returned to his home after work that day and found that the GPS receiver power cord missing, the cable for the company's Nextel cellular telephone charger had been cut. He began looking for other objects may have been taken. The authorized user notified the corporate RSO and the Montgomery County Police Department of the theft. Efforts to recover the gauge have been unsuccessful.

Based upon statements of the authorized user and management, the inspector concluded that the gauge had been properly secured in accordance with the two barrier rule.

3 Notifications and Reports

3.1 Inspection scope

The inspector interviewed the RSO and reviewed the licensee's event report to determine that the appropriate notifications and reports had been made to the NRC concerning the event.

3.2 Observations and Findings

The licensee notified the NRC regarding the stolen gauge on August 11, 2009, as required by 10 CFR 20.2201(a)(i) and will follow up with a written report within 30 days.

3.3 Conclusions

The inspector identified no problems.

4 Exit Meeting Summary

The NRC inspectors presented preliminary conclusions, as described in this report, with licensee management during the exit meeting conducted at the licensee's facility on August 25, 2009. The inspector discussed the activities reviewed and the inspection findings. The licensee did not identify any documents or processes reviewed by the inspectors as proprietary. The licensee acknowledged the findings presented.

PARTIAL LIST OF PERSONNEL CONTACTED

*Robert Ramsey, Radiation Safety Officer
*Randy Morton, Branch Manager
* Sam Dreyer, field technician

* attended the exit meeting on August 25, 2009