January 5, 2010

U.S. Nuclear Regulatory Commission Washington, D.C., 20555 ATTN: Document Control Desk

#### RE: NRC INSPECTION REPORT NO. 03032913/2009001 AND NOTICE OF VIOLATION

#### Dear Sir/Madam:

On December 31, 2009, Garg Consulting Services, Inc. (GCS) received the Nuclear Regulatory Commission (NRC) inspection report (Docket No. 03032913) with notice of violation attached, in which 3 observed violation counts are specifically listed as follows:

- 1) "As of Dec 2, 2009, the licensee (GCS) did not review the radiation protection program annually."
- 2) "..., the licensee did not conduct a physical inventory every six months for all sources and/or devices possessed under the license. Specifically, the licensee possessed three portable gauges and had not conducted a physical inventory since 2004."
- 3) "..., the licensee did not maintain a log book that included the date of use, names of authorized users who will be responsible for the gauge, and the temporary job site where the gauge will be used."

In responses to each aforementioned count, GCS offers explanation/response as follows:

1) In order to protect the health and safety of public and individual gauge operator against any potential nuclear hazardous incidents caused by improper use of portable gauges, GCS consistently provides nuclear gauge training to each gauge operator through Q/C Resource before they start to handle any nuclear portable gauges under GCS possession. This training covers radiation protection information and knowledge comprehensively. After initial training, annual refresher classes were provided to each gauge operator by the Radiation Safety Officer (RSO). As our current records show, the radiation protection program refresher classes were consecutively provided from 2005 through 2008 annually and the latest class was given on December 30, 2009 (Please refer to attachment 1 for the latest refresher training records).

GCS will continue to provide such annual refresher classes to its gauge operators in the future and most likely in each December while construction business is relatively slow due to weather conditions. Besides providing refresher classes to each gauge operator, the RSO recently put up an annual nuclear portable gauges audit checklist which reviews status of certification, training, leak tests emergency plan, maintenance, inventory etc. Starting in 2010, GCS will ensure the full implementation of the required annual audit following the checklist.

2) After meeting with NRC inspector on December 2, 2009, we realized that we did not perform any physical inventory for at least 6 months, therefore, on December 29 of 2009, GCS new RSO, Mr.

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PGMI



Zhen Zhou, performed a thorough physical inventory on all nuclear portable gauges currently under our possession. Radioactive sources type, amount, manufacturer, and serial numbers were identified, verified, and recorded. The mechanical conditions of these sealed sources were inspected. Please refer to attachment 2 for the latest physical inventory record.

This record will be kept on file permanently by GCS and the same inventory procedure will be followed at 6-month intervals in the future, performed by either RSO or any certified GCS gauge operators.

3) Our records show that previously GCS had established sign-out policy with corresponding log book record for each portable gauge possessed by GCS. This policy was abided until December 15, 2007. Between 2008 and 2009, the RSO position was switched between 3 different employees due to reasonable HR arrangements, which caused a gap on gauge-sign-out policy fulfillment. However, during the major part of this period, there were only 2 gauges under GCS possession while one was always locked in our filed permanent nuclear storage stock room at 1960 Silas Deane Highway, Rocky Hill, CT. It was not deployed to any job site due to its malfunctioning electronics.

In August of 2009, after Mr. Zhen Zhou filled in the current RSO position, GCS amended its material license (License No. 06-28785-01) and then purchased extra portable gauges. Currently we have 3 gauges under our possession and all of them are stored in our permanent nuclear storage stock room filed with NRC. As part of our new sign-out policy, RSO had designed a "GCS Nuclear Gauge Sign Out Sheet", which is available for download at URL:

https://www.gargengineering.com/documents/GaugeSignOutSheet.pdf (Please refer to attachment 3 for a copy of blank print out of this form). Starting on January 1 of 2010, any GCS operator who needs to use a portable gauge on any GCS job site will have to file this table with RSO before a gauge can be assigned. With this new fillable form, all the NRC required information, such as the responsible user(s), temporary using location(s), intended using period(s) etc., will be extracted and saved by the RSO in order to keep good track of each deployed portable gauge.

Sincerely

Eugene Chuang, Ph.D., P.E.

President / CEO

cc. U.S. Nuclear Regulatory Commission, Region I

475 Allendale Road

King of Prussia, PA 19406-1415

Attn: Regional Administrator

Connecticut Office: 2096A Silas Deane Highway, Rocky Hill, CT 06067 New Jersey Office: 401 Route 70 East, Suite 211, Cherry Hill, NJ 08034

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# Attachment 1

**Current Annual Audit Report** 

**Current Refresher Training Example** 



# GARG Consulting Services, Inc. Annual Nuclear Radiation Protection Program Audit Check List

Licensee's name: Garg Consulting Services, Inc. (GCS)								
License No. <u>06-28785-01</u>								
Auditor: ZHEN ZHOU								
(Print) (Signature)								
Date of Audit Dec. 30, 2009 Telephone No 860-563-0582								
1. AUDIT HISTORY								
a. Last audit of this location conducted on (date) N/A								
b. Were previous audits conducted yearly? [10 CFR 20.1101] NO								
c. Were records of previous audits maintained? [10 CFR 20.2102] N/A								
d. Were any deficiencies identified during the last two audits or two years, whichever is longer? N/A								
e. Were corrective actions taken? (Look for repeated deficiencies).  Not until this audit								
2. ORGANIZATION AND SCOPE OF PROGRAM								
a. Was the license amended? Yes, amendment 5 issued on 7/30/09 for adding new gauge and new RSO								
b. Does the new RSO meet NRC training requirements? Yes, RSO has standard radiation safety training and special RSO training								
c. If the designated contact person for NRC changed, was NRC notified? Yes, official letter sent when requesting for amendment								
d. Does the license authorize all of the NRC-regulated radionuclides contained in the gauges possessed?Yes								
f. Are the gauges as they are described in the Sealed Source and Device (SSD) Registration Certificate or Sheet? Yes								

e. Are copies of (or access to) SSD Certificates available? [10 CFR 32.210]Yes
g. Are the actual uses of gauges consistent with the authorized uses listed on the license? Yes
h. Is the RSO fulfilling his duties? Yes
3. TRAINING AND INSTRUCTIONS TO WORKERS
a. Were all workers who are likely to exceed 100 mrem/yr instructed per 10 CFR 19.12? Was refresher training provided, as needed?  Yes
b. Did each gauge operator attend an approved course before using the gauges? Yes
c. Are training records maintained for each gauge operator? Yes, but only for 2005 and 2009
d. Did interviews with operators reveal that they know the emergency procedures?
N/A, but they had been notified that the established procedures are available on Garg website
e. Did this audit include observation of operators using the gauge in a field situation? Operating gauge?
No. no field operation at this time
Performing routine cleaning and lubrication? Transporting gauge? Storing gauge?
Yes. Gauges were transported in double locked cases to 1960 permanent storage room. Cleaning/Lubrication was scheduledto
be performed in Jan. 2010 by RSO.
f. Did the operator demonstrate safe handling and security during transportation, use, and storage? Yes
g. Was HAZMAT training (required at least once every three years) provided as required? [49CFR 172.700, 49 CFR 172.701, CFR
172.702, 49 CFR 172.703, 49 CFR 172.704] Yes. Most gauge operators has the HAZMAT 40 or 8 training certificate.
4. RADIATION SURVEY INSTRUMENTS
a. Does the survey meter meet NRC's criteria?Yes
b. Is the survey meter needed for non-routine maintenance calibrated as required?No, but it will be calibrated by Troxler in 2010
c. Are calibration records maintained? [10 CFR 20.2103(a)] Yes, current calibration done on 06/07/2005

#### 5. GAUGE INVENTORY

<ul> <li>6. PERSONNEL RADIATION PROTECTION</li> <li>a. Are ALARA considerations incorporated into the radiation protection program? [10]</li> <li>b. Is documentation kept showing that unmonitored users receive less than 10 percent N/A, all Garg operators are monitored</li> <li>c. Did unmonitored users' activities change during the year which could put them oved. If yes to c. above, was a new evaluation performed? N/A</li> </ul>	es, starts from Dec. 2009  OCFR 20.1101(b)] Yes of limit?
<ul> <li>6. PERSONNEL RADIATION PROTECTION</li> <li>a. Are ALARA considerations incorporated into the radiation protection program? [10]</li> <li>b. Is documentation kept showing that unmonitored users receive less than 10 percent N/A, all Garg operators are monitored</li> <li>c. Did unmonitored users' activities change during the year which could put them oved. If yes to c. above, was a new evaluation performed? N/A</li> </ul>	OCFR 20.1101(b)] <u>Yes</u> of limit?
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N/A, all Garg operators are monitored  c. Did unmonitored users' activities change during the year which could put them ove  d. If yes to c. above, was a new evaluation performed?  N/A	
<ul> <li>c. Did unmonitored users' activities change during the year which could put them ove</li> <li>d. If yes to c. above, was a new evaluation performed? N/A</li> </ul>	r 10 percent of limit? N/A
d. If yes to c. above, was a new evaluation performed? <u>N/A</u>	r 10 percent of limit? N/A
•	·
7 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	•
e. Is external dosimetry required (user receiving greater than 10 percent of limit)?	No
Is dosimetryprovided to users? Yes	
i. Is the dosimetry supplier NVLAP-approved? [10 CFR 20.1501(c)] Yes	<del>_</del>
ii. Are the dosimeters exchanged monthly for film badges and at the industry-reco	ommended frequency for TLDs?
No. Garg exchange TLD quarterly.	
iii. Are dosimetry reports reviewed by the RSO when they are received?	
iv. Are the records NRC forms or equivalent? [10 CFR 20.2104(d), 10 CFR 20.2	
	s, annually
_ NRC-5 "Occupational Exposure Record for a Monitoring Period" completed v. If a worker declared her pregnancy, did licensee comply with 10 CFR 20.1208	
Were records kept of embryo/fetus dose per 10 CFR 20.2106(e)?  N/A	<u> </u>
f. Are records of exposures, surveys, monitoring, and evaluations maintained? [10 CF	 D 102 10 CED 20 2102 10 CED 20 21061
Yes	K 102,10 CFK 20.2103, 10 CFK 20.2100]
105	

b. Has a survey or evaluation been performed per 10 CFR 20.1501(a)? Yes, with Troxler Radiation Monitor 3105B  Have there been any additions or changes to the storage, security, or use of surrounding areas that would necessitate a new survey or
evaluation? No
c. Do unrestricted area radiation levels exceed 2 mrem in any one hour? [10 CFR 0.1301(a)(2)] No, didn't observe in survey
d. Are gauges being stored in a manner that would prevent unauthorized use or removal? [10CFR 20.1801] Yes, double locked
e. Are records maintained? [10 CFR 20.2103, 10 CFR 20.2107] Yes
8. OPERATING AND EMERGENCY PROCEDURES
a. Have operating and emergency procedures been developed? Yes
b. Do they contain the required elements? Yes
c. Does each operator have a current copy of the operating and emergency procedures, including current telephone numbers?
Yes, and it's always available on Garg website
9. LEAK TESTS
a. Was each sealed source leak tested every 6 months or at other prescribed intervals?  Yes, every 6 months by manufacturer  Yes, every 6 months by manufacturer
b. Was the leak test performed as described in correspondence with NRC and according to the license? Yes
c. Are records of results retained with the appropriate information included? Yes
d. Were any sources found leaking and if yes, was NRC notified?  No, N/A
10. MAINTENANCE OF GAUGES
a. Are manufacturer's procedures followed for routine cleaning and lubrication of the gauge? Will do in Feb. 2010
b. Does the source or source rod remain attached to the gauge during cleaning? <u>N/A</u>
c. Is non-routine maintenance performed where the source or source rod is detached from the gauge? If yes, was it performed
according to license requirements (e.g., extent of work, individuals performing the work, procedures, dosimetry, survey instrument,
compliance with 10 CFR 20.1301 limits)? N/A

### 11. TRANSPORTATION

W. DOWGA 4 4 1 1 1 1 10 140 CED 172 415 40 CED 172 416(1)
a. Were DOT-7A or other authorized packages used? [49 CFR 173.415, 49 CFR 173.416(b)] Yes, always.
b. Are package performance test records on file? <u>N/A</u>
c. Are special form sources documented? [49 CFR 173.476(a)]N/A
d. Did the package have 2 labels (ex. Yellow-II) with TI, Nuclide, Activity, and Hazard Class? [49 CFR 172.403, 49 CFR 173.441]
Yes, all provided by manufacturer
e. Was the package properly marked? [49 CFR 172.301, 49 CFR 172.304, 49 CFR 172.310, 49 CFR 172.324] Yes
f. Was the package closed and sealed during transport? [49 CFR 173.475(f)] Yes
g. Were shipping papers prepared and used? [49 CFR 172.200(a)] Yes
h. Did the shipping papers contain proper entries (Shipping name, Hazard Class, Identification Number (UN Number), Total Quantity,
Package Type, Nuclide, RQ, Radioactive Material, Physical and Chemical Form, Activity, category of label, TI, Shipper's Name,
Certification and Signature, Emergency Response Phone Number, Cargo Aircraft Only [if applicable])?
[49 CFR 172.200, 49 CFR 72.201, 49 CFR 172.202, 49 CFR 172.203, 49 CFR 172.204, 49 CFR 172.604]
Yes
i. Were the shipping papers within the driver's reach and readily accessible during transport? [49 CFR 177. 817(e)] Yes
j. Was the package secured against movement? [49 CFR 177. 834 ] Yes
k. Was the vehicle placarded, if needed? [49 CFR 172.504] N/A, placards available always.
l. Were overpacks, if needed, used properly? [49 CFR 173.25] N/A
m. Were any incidents reported to DOT? [49 CFR 171.15, 16] No
The first and metaents reported to Both [15] of the 171.115, [15]
12. AUDITOR'S INDEPENDENT SURVEY MEASUREMENTS (IF MADE)
a. Describe the type, location, and results of measurements. Do any radiation levels exceed regulatory limits?
~0.12 mrem/h around the stocking room located at 1960 Silas Deane Highway, Rocky Hill, CT
~0.12 illicitiff around the stocking room rocated at 1900 Stras Deane ringhway, Rocky 11th, C1
13. NOTIFICATION AND REPORTS
b. Did any reportable incidents occur? Were reports made? [10 CFR 20.2202, 10 CFR 30.50] No
c. Did any overexposures and high radiation levels occur? Were they reported? [10 CFR 20.2203, 10 CFR 30.50]

b. If problems and	or deficiencies were identified in this	audit, describe the	corrective actions p	anned or taken. Are cor	rective actions
planned or taken	ALL licensed locations (not just loca	ation audited)?	Yes, as above		
19. EVALUATION	N OF OTHER FACTORS		•		
a. Is senior license	management appropriately involved	with the radiation	protection program	nd/or RSO oversight?	
No		•		J	



## GARG Consulting Services, Inc. Annual Nuclear Safety Refreshing Class . Ver. 2009

The Nuclear Regulatory Commission (NRC) requires us to have at least one nuclear safety class each calendar year to review all important requirements and regulations. The following material provides a quick review on most important points that we need to keep in mind when we are handling, storing, and transporting a nuclear density / moisture gauge. For more detailed information on these regulations and requirements, please refer to Garg Radiation Safety Plan (RSP), which will be available for downloading at <a href="http://www.gargengineering.com/nuclear/rsp.v1.pdf">http://www.gargengineering.com/nuclear/rsp.v1.pdf</a> soon in year of 2010.

After reading the following quick review material, please finish up the attached quiz set, which consists of 20 questions of either multiple choice or True/False type. Once you are done with the questions please fax it back to main office at 2096A Silas Deane Highway, Rocky Hill (Fax #: 860-563-0825) or email it back to jchow@gargengineering.com before *January 31, 2010*.

#### License

The State of Connecticut is a non-agreement state. We have to maintain two license and registration valid and up to date in order to be licensed to use nuclear gauges on projects in state of Connecticut. They are NRC Material License and CTDEP Ionizing Radiation Registration.

NRC license controls our man made radioactive materials and CTDEP registration controls all our natural radioactive materials. Our manmade radioactive materials are Cesium 137 and Americium 241/Be.

Five major points about these two licenses:

- 1. NRC license is good for 10 years. Our current one due for renewal on 10/31/2012;
- 2. CTDEP registration needs to be renewed every calendar year;
- 3. NRC license lists all gauge manufacturer and models we are authorized to use;
- 4. It lists all radioactive material we are licensed to possess;
- 5. It lists Radio Safety Officer (RSO);
- 6. It lists frequency for leaking tests and inventory (6 mon. / 12 mon.);
- 7. It requires an annual nuclear safety review class.

#### Atomic and Subatomic Structures

The atom is made up of the nucleus and the outer electron cloud. Normally, the nucleus is made up of equal number of protons and neutrons. When the atom is

bombarded it changes the number of neutrons in the nucleus making the atom unstable and may generate radioactive decay. This makes it an isotope of the original element.

#### **Definations**

**Curie:** A unit of radioactive mass expressed as a quantity of radioactive material having the same number of disintegrations per second of radium.

Roentgen: The quantity of radiation received or absorbed.

**REM**: A Roentgen adjusted for its effect on mankind.

**DPS**: Disintegrations per second.

**Contamination**: This is the term of getting the actual radioactive material on your body/organ/tissue. Contamination can be passed from one person to another.

**Exposure**: This term is a measurement of the time that you've been exposed to the energy or gamma rays coming from radioactive material decaying. Exposure cannot be passed from one person to another. The current NRC exposure limitation for each gauge operator is <=5000 mREM/year.

#### Transportation

- 1. When being transported, the gauge must be in its orange/yellow transportation case, which has been properly labeled, and braced to prevent sliding or ejection from the vehicle:
- 2. The driver cannot receive more than 2 millirems / hour of radiation;
- 3. The gauge being transported must be secured to prevent it from being lost on the road.

When transporting a portable gauge in an open bedded vehicle, licensee commonly uses a chain and a padlock to secure the portable gauge stored in its transportation case to the vehicle. Because the transportation case is portable, a theft could occur if the chain is cut and the transportation case with the portable gauge in it is taken. If the licensee simply loops the chain through the handles of the transportation case, a thief could still be able to open the transportation case. Since the case is portable itself, it has to be protected by two independent physical controls while the gauge is stored inside.

A vehicle should be used for storage only for a short period of time when a gauge is in transit. A portable gauge should only be kept in a vehicle overnight if it is practical to provide temporary storage in a permanent structure. Under the proposed regulations, when a portable gauge is being stored in a vehicle, the licensee is specifically required to use a minimum of two independent physical

- controls to secure the gauge. Only a lock on the transportation case with a lock on the portable gauge source rod handle is not sufficient under the current NRC requirements.
- 4. Shipping Papers (Bill of Lading) and the emergency procedures established in Garg RSP are required to be with the driver and readily accessible while seated in the driver's seat.

#### Controlling and Maintaining Constant Surveillance of a Portable Gauge

When a portable gauge is not secured with a minimum of two independent physical controls, such as in use, the licensee is required to control and maintain constant surveillance over the gauge. This rule is the current requirement in 10 CFR 20.1801 for security, and will satisfy the requirement of 10 CFR 20.1802, which states that the licensee shall control and maintain constant surveillance of licensed materials that is in a controlled or unrestricted area and that is not in storage. Control and constant surveillance is required when the gauge is not in storage, e.g., is in use or undergoing maintenance. The NRC staff interprets "control and maintaining constant surveillance", over portable gauges to mean being immediately present or remaining in close proximity (~10 ft) to the portable gauges so as to be able to prevent unauthorized removal of the gauge.

#### **Survey Meter**

Survey meters need to be calibrated on an annual basis (10 CFR 20.1501b).

On an annual basis, each district is required to survey all four sides of the nuclear gauge storage areas. The readings are to be documented on a mapped layout of the storage area. A copy of each year's results is to be kept on file in each district and at the Rocky Hill lab (10 CFR 20.1302).



### Garg Consulting Services, Inc. Annual Nuclear Safety Refreshing Class, v 2009

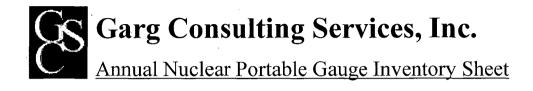
Nar	ne: _	Date: (WORTH 10 POINTS)
		(PLEASE PRINT ABOVE THE LINE)
1.		DPS stands for
	A.	Disintegrations per Second
	В.	Deformations per Stress
	C.	Department Public Safety
	D.	Dumb Performing Supervisors
2.		We use gamma rays to determin
	A.	Moisture
	В.	Bone Matter
	C.	Carbon Dating
	D.	Density
	Ε.	Density & Moisture
3.		What is the Transportation Index
	Α.	Yellow label numbering system
	В.	Maximum radiation level at 1 meter from the gauge case
	C.	Hazmat designated number
	D.	All of the above
4.	A. B. C. D.	Assuring the radiation level of a gauge is one half (1/2) millirems per hour at two (2) feet from the gauge, what would your exposure be if you spent four (4) hours at a distance of two (2) feet away from this gauge?  4 rems 2 rems 4 millirems 2 millirems
5.		How many times a year does the NRC require us to take an inventory to account for all
		the gauges under out possession?
	Α.	Once
	В.	Twice
	C.	Three times
-	D.	Not required
6.		How The quantity of radiation received or absorbed by any object is called a
	A.	Roentgen
	В.	Exposure
	C.	Curie

#### D. Contamination

- 7. True or False. The nucleus of an atom is made up of protons and neutrons.
- 8. True or False. The nuclear technician must classify the accident, if any occurred, into major and minor categories before taking any further action.
- 9. True or False. Isotope is an element with neutrons in nucleus altered or has different number as protons in the same nucleus.
- 10. True or False. In an accident, the major concern is if the radioactive material source is still in the gauge.
- 11. True or False. Radioactive materials have a number 7 hazmat classification.
- 12. True or False. When you have the gauge in your vehicle and are travelling to and from the job, you must have the shipping paper in the transportation case with the gauge.
- 13. True or False. A 'Curie' is an amount of radiation measured by a film badge.
- 14. True or False. It's required for each gauge operator to have a film badge when handling with nuclear gauge.
- 15. True or False. Before the source rod is lowered and START button is pressed, there is no radiation around the nuclear gauge.
- 16. True or False. REM is a measurement of contamination.
- 17. True or False. Radioactive material may be transported on any plane as long as it is properly labeled and packed.
- 18. True or False. If an accident is categorized as minor after initial assessment, the operator has the right to remove the gauge from accident site.
- 19. What of the following radiations is used to help with moisture content determination
  - A. Alpha particles
  - B. Beta particles
  - C. Gamma rays
  - D. Neutron beams
- 20. Choose the three essential ways to protect yourself from excessive exposure
  - A. Limit time of exposure
  - B. Keep distance from the source
  - C. Proper shielding material
  - D. Drink more fluids

# Attachment 2

**Current Semi-Annual Inventory Report** 



Inventory Date: **December 29, 2009** 

Performed by:

Jack Z. Zhou

Manufacturer	Model	Serial No.	Nuclide	Sealed source SN	GBq	тСі	Current Location
CPN	MC-3	M390809295	AM-241 /BE	6-24-09	1.850	50.000	1960 Silas Deane Highway,
CFN	MC-3	141390009293	AWI-241 / BE	0-24-09	1.650	30,000	Rocky Hill, CT 06067
			CS-137	7-1-09	0.370	10.000	1960 Silas Deane Highway,
			CS-137	/-1-09	0.370	10.000	Rocky Hill, CT 06067
T	2.420	(1577	AM-241 :BE	47-4658	1.480	40.000	1960 Silas Deane Highway,
Troxler	3430	61577	AM-241 :BE	47-4038	1.480		Rocky Hill, CT 06067
			CC 127	77-8422	0.296	8.000	1960 Silas Deane Highway,
			CS-137	11-0422	0.290	8.000	Rocky Hill, CT 06067
	3430	(25.41	AM-241 :BE	78-5777	1.480	40.000	1960 Silas Deane Highway,
Troxler		3430 62741					Rocky Hill, CT 06067
			GC 127	77.0105	0.2	9.000	1960 Silas Deane Highway,
			CS-137	77-9195	0.3	8.000	Rocky Hill, CT 06067

# Attachment 3

**Garg Nuclear Gauge Check-out Log Example** 







Garg Consulting Services, Inc. 2096A Silas Deane Highway Rocky Hill, CT United States 06067 Phone: 860-563-0582

Phone: 860-563-0582 Fax: 860-563-0852 www.gargengineering.com

### 2010~2011 GARG Nuclear Gauge Sign Out Sheet

Principle Operator Name(s):					
Contact Phone:					
GCS Project No.:					
Temp Storage Location:					
<u>.                                    </u>					
Date Requested	Model No. and S/N	Intended usin	g period	Quantity	Intended Returning Date
		то		-	and the second s
		то	······		
	,	то			
<del></del>					
Requested By:					
[···					
Authorized By:					