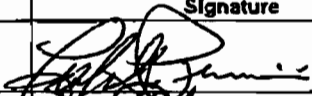
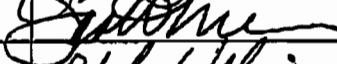



NRC FORM 591M PART 1 <small>(10-2003) 10 CFR 2.201</small>		U.S. NUCLEAR REGULATORY COMMISSION	
SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION			
1. LICENSEE/LOCATION INSPECTED: MT Operating of New Jersey, LLC 175 Quincy Court Hopelawn, New Jersey 08861		2. NRC/REGIONAL OFFICE U.S. Nuclear Regulatory Commission Region I, 475 Allendale Road King of Prussia, Pennsylvania 19406-1415	
REPORT Nos 2011-001			
3. DOCKET NUMBER(S) 030-34791	4. LICENSE NUMBER(S) 29-30465-01	5. DATE(S) OF INSPECTION March 22, 23 & April 11, 2011	
LICENSEE: The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Nuclear Regulatory Commission (NRC) rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector. The inspection findings are as follows:			
<input type="checkbox"/> 1. Based on the inspection findings, no violations were identified.			
<input type="checkbox"/> 2. Previous violation(s) closed.			
<input type="checkbox"/> 3. The violation(s), specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is being taken, and the remaining criteria in the NRC Enforcement Policy, NUREG-1600, to exercise discretion, were satisfied.			
<input type="checkbox"/> Non-Cited Violation(s) was/were discussed involving the following requirement(s) and Corrective Action(s):			
<input checked="" type="checkbox"/> 4. During this inspection certain of your activities, as described below and attached, were in violation of NRC requirements and are being cited. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11.			
a) Condition 19 of NRC License No. 29-30465-01 requires, in part, that the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the licensee's facsimile to the NRC dated November 7, 2008. Item 10 (8.10.7) of the facsimile states, in part, that Operating and Emergency Procedures will be developed, implemented, and maintained. The licensees' operating procedures state, in part, that when the job is finished, the user is to "Return the device to permanent storage place and lock it up."			
(continued on next page)			
Licensee's Statement of Corrective Actions for Item 4, above.			
I hereby state that, within 30 days, the actions described by me to the inspector will be taken to correct the violations identified. This statement of corrective actions is made in accordance with the requirements of 10 CFR 2.201 (corrective steps already taken, corrective steps which will be taken, date when full compliance will be achieved). I understand that no further written response to NRC will be required, unless specifically requested.			
Title	Printed Name	Signature	Date
LICENSEE'S REPRESENTATIVE	FRANK PENNISI		4/11/2011
NRC INSPECTOR	Scott Wilson		4/11/2011
BRANCH CHIEF	Blake Welling		4/11/2011

591M PART 1 (RI Rev. 10/2010)

G:\WordDocs\Current\Unsp Record\R29-30465-01.2011.001.591M-Par1&2.doc

SUNSI Review Completed By: / RA / Scott Wilson

Public

Non-Sensitive

This document becomes an NRC Official Agency Record once it is signed by the Branch Chief

NRC-002

APR-11-2011 16:51

NRC

610 337 5269

P.003

NRC FORM 591M PART 2
(10-2010)
10 CFR 2.201

**U.S. NUCLEAR REGULATORY
COMMISSION**

**SAFETY INSPECTION REPORT
AND COMPLIANCE INSPECTION**

1. LICENSEE

MT Operating of New Jersey, LLC
175 Quincy Court
Hopelawn, New Jersey 08861

REPORT
NUMBER(S)

2011-001

2. NRC/REGIONAL OFFICE

U.S. Nuclear Regulatory Commission
Region I, 475 Allendale Road
King of Prussia, Pennsylvania 19406-1415

3. DOCKET NUMBER(S)

030-34791

4. LICENSE NUMBER(S)

29-30465-01

5. DATE(S) OF INSPECTION

March 22, 23 & April 11, 2011

(Continued from Part 1)

Contrary to the above stated license condition, on December 29, 2010, an authorized user removed a portable nuclear density gauge from the permanent storage place, used the gauge at a temporary jobsite, then failed to return it to the permanent storage place and lock it up when the job was finished. Specifically, licensee records show that on December 29, 2010, a licensee employee removed a portable nuclear density gauge from the permanent storage location at the licensee's Wallingford, Connecticut, facility and maintained it in a personal vehicle after the job was finished.

This is a Severity Level IV violation (Section 6.3.d.3).

The licensee agreed to revise the operating procedures to allow for alternate storage locations by April 5, 2011.

- b) 10 CFR 71.5(a) requires that a licensee who transports licensed material outside of the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 107, 171-180, and 390-397.

49 CFR 172.403 requires, in part, with exceptions not applicable here, that each package of radioactive material be labeled, as appropriate, with two RADIOACTIVE WHITE-I, RADIOACTIVE YELLOW-II, or RADIOACTIVE YELLOW-III labels on opposite sides of the package. The contents, activity, and transport index must be entered in the blank spaces on the label using a legible and durable, weather resistant means. The contents entered on the label must include the name or abbreviation (e.g., 99Mo) of the radionuclides as taken from the listing in 49 CFR 173.435, or for mixtures of radionuclides, those nuclides determined in accordance with the provisions of 49 CFR 173.433(f), with consideration of space available on the label. The activity must be expressed in terms of the appropriate SI units (e.g., Becquerel, Terabecquerel etc...), or in terms of appropriate SI units followed by customary units (e.g., curies, millicuries, or microcuries).

Contrary to the above, on March 23, 2011, the licensee transported two radioactive material packages containing sealed sources of cesium-137 and americium-241 (portable nuclear density gauges) on public highways, outside of the site of usage specified in the NRC license, and the RADIOACTIVE labels affixed to the packages did not identify the contents and activity. Specifically, licensee employees transported portable nuclear density gauges in radioactive material packages from Newtown, Connecticut, to the licensee's facility in Wallingford, Connecticut, and the contents and activity were not legible on the labels.

This is a Severity Level IV violation (Section 6.8.d.4).

The licensee agreed to complete the labeling requirements prior to transporting the gauges, by March 23, 2011.