



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

May 24, 2011

Docket No. 03038329
EA-11-114

License No. 06-27815-03

James M. Lynch
Treasurer
James P. Purcell Associates, Inc.
90 National Drive
Glastonbury, CT 06033

SUBJECT: NRC INSPECTION REPORT NO. 03038329/2011001, AND EXERCISE OF ENFORCEMENT DISCRETION AND NOTICE OF VIOLATION: JAMES P. PURCELL ASSOCIATES, INC.

Dear Mr. Lynch:

On April 27, 2011, Craig Gordon of this office conducted a safety inspection of activities authorized by the above listed NRC license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selective examination of representative records. The findings of the inspection were discussed with Mr. Rohit Pradhan of your organization at the conclusion of the inspection.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that two Severity Level IV violations of NRC requirements occurred. These violations are described below and are cited in the attached Notice of Violation (Notice). The violations are being cited in the Notice because they were identified by the NRC.

First, a violation of 10 CFR 30.34(i) was identified during this inspection which involved the failure to use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal whenever portable gauges are not under the control and constant surveillance of the licensee. In accordance with the Enforcement Policy, although such violations are normally categorized at Severity Level III and considered for escalated enforcement action, because: (1) one physical control existed to prevent loss or theft of the portable gauge; (2) you retained possession of the gauge; (3) the violation was isolated; and (4) no indication of programmatic weakness was identified, NRC is exercising enforcement discretion to categorize this violation as Severity Level IV.

The second violation related to the failure to perform leak tests on the portable gauge at the specified interval required by license condition, which is categorized as Severity Level IV.

During our inspection exit meeting on May 5, 2011, Mr. Pradhan indicated that you have taken corrective and preventative actions to address both violations and that James P. Purcell Associates, Inc. (JPA) is committed to radiation safety and to compliance with NRC regulations and license conditions. Further, you stated verbally and you documented in your April 28, 2011 electronic mail correspondence, that you have taken corrective and preventative actions by installing an additional door lock to the gauge storage area as the second independent physical control barrier, and that JPA would perform the required leak test.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Current NRC regulations are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Industrial, and Academic Uses of Nuclear Material**; then **Regulations, Guidance, and Communications**. The current NRC Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC; Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 7:00 a.m. to 6:30 p.m. EST, Monday through Friday (except Federal holidays).

J. Lynch

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To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

Please contact Craig Gordon at 610-337-5216 if you have any questions regarding this matter.

Sincerely,

/RA/

Blake Welling, Chief
Materials Security and Industrial Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
Rohit B. Pradhan, P.E., Radiation Safety Officer
State of Connecticut

J. Lynch

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Sincerely,

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Blake Welling, Chief
Materials Security and Industrial Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
Rohit B. Pradhan, P.E., Radiation Safety Officer
State of Connecticut

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OFFICE	DNMS/RI	N	DNMS/RI	DNMS/RI		
NAME	CGordon CG*		MMcLaughlin AED FOR*	BWelling BDW		
DATE	5/18/11		5/19/11	5/24/11		

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NOTICE OF VIOLATION

James P. Purcell Associates, Inc
Glastonbury, CT

Docket No. 03038329
License No. 06-27815-03
EA-11-114

During an NRC inspection conducted on April 27, 2011, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 30.34(i) requires, in part, that each portable gauge licensee shall use a minimum of two independent controls that form tangible barriers to secure portable gauges from unauthorized removal whenever portable gauges are not under the control and constant surveillance of the licensee.

Contrary to the above, during the period of August 25, 2010 through April 27, 2011, James P. Purcell Associates failed to maintain two independent controls that form tangible barriers to secure their portable gauge from unauthorized removal when the gauge was not under the control and constant surveillance of the licensee. Specifically, James P. Purcell Associates, Inc. left the gauge unattended in their office building located at 1112 Whalley Avenue, New Haven, Connecticut, with only one independent physical control.

This is a Severity Level IV violation (EGM 11-004).

- B. Condition 14 A. of NRC License No. 06-27815-03 requires, in part, that sealed sources be tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or under equivalent regulations of an Agreement State. Registration Certificate No. NR-587-D-104-S for the Seaman Nuclear Corporation Model C-300 series portable gauge specifies the leak test interval to be six months.

Contrary to the above, the licensee did not test for leakage one portable gauge at the specified interval. Specifically, the licensee's records indicated that its Seaman C-300 portable gauge was last tested for leakage on May 25, 2010, and as of April 27, 2011, a period of more than six months had elapsed, and the licensee had not tested the portable gauge for leakage.

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

Pursuant to the provisions of 10 CFR 2.201, James P. Purcell Associates is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved.

Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response.

If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated This 24 day of May 2011