U.S. NUCLEAR REGULATORY COMMISSION
REGION I

INSPECTION REPORT

Inspection No.	03033919/2011001
Docket No.	03033919
License No.	06-30240-01
Licensee:	Test-Con Incorporated
Address:	P.O. Box 3116 Danbury, Connecticut 06813-3116
Locations Inspected:	Office and gauge storage location at 16 East Franklin Street, Danbury, Connecticut, and a temporary job site at the Jonathan Reed School construction site in Waterbury, CT.
Inspection Dates:	June 7, 2011

Inspector: __/RA/_____ _____6/28/2011____
Randolph C. Ragland, Jr. date
Senior Health Physicist
Materials Security and Industrial Branch
Division of Nuclear Materials Safety

Approved By: __/RA/_____ ____6/28/2011_____
Blake Welling, Chief date
Materials Security and Industrial Branch
Division of Nuclear Materials Safety

Document Name: C:\FileNET\ML111870011.doc

EXECUTIVE SUMMARY

Test-Con Incorporated
NRC Inspection Report No. 03033919/2011001

Test-Con Incorporated is an independent testing firm. They possess ten portable gauges, they have six gauge users, and use their gauges approximately three times per week. Chin Okwuka is the Company President and Radiation Safety Officer.

One violation of NRC requirements was identified and involved the failure to use a minimum of two independent physical controls that formed tangible barriers to prevent unauthorized removal when a portable gauge was not under the control and constant surveillance by the licensee as required by 10 CFR 30.34(i). Specifically, a portable gauge was stored in a personal vehicle at the Jonathan E. Reed School construction site, in Waterbury, CT, and was secured against unauthorized removal with only one lock and chain, and for short periods of time a licensee representative was not maintaining constant surveillance over the gauge.

Upon identification, immediate corrective actions were taken to secure the gauge to meet the requirements of 10 CFR 30.34(i). In addition, the Radiation Safety Officer stated that as a preventative action, each gauge user will receive training within 30 days regarding the requirements of 10 CFR 30.34(i), that will emphasize counting the number of tangible barriers for gauges and gauge containers whenever the gauges are placed in storage.

REPORT DETAILS

I. Organization and Scope of the Program

a. Inspection Scope

The inspector reviewed the scope of the licensee's program. Information was gathered by a tour of the licensee's gauge storage area, a review of documents, and discussions with the Radiation Safety Officer.

b. Observations and Findings

Test-Con Incorporated is an independent testing firm. They possess ten gauges including four Troxler 3440 gauges, one Troxler 3430 gauge, one Seaman C-300 gauge, two Humboldt 5001EZ gauges, one Humboldt 5100P, gauge, and one CPN Model MC2 gauge. They have six gauge users and use their sources approximately three times per week. Chin Okwuka is the Company President and Radiation Safety Officer (RSO).

c. Conclusions

No findings of significance or violations of NRC requirements were identified in the organization and scope of the program.

II. Management Oversight of the Program

a. Inspection Scope

The inspector reviewed the management of licensed activities. Information was gathered through tours of the facility, reviews of documents, and discussions with the Radiation Safety Officer and an authorized gauge user.

b. Observations and Findings

Leak test records were complete and showed that none of the sources were leaking. Inventory records were complete and showed that the licensee routinely conducted gauge inventory as required by NRC License No. 06-30240-01, Amendment 3, Condition 15, and quantities were within authorized possession limits. The inspector performed an independent radiation survey of the gauges using an Eberline RO-2 ion chamber, Serial No. 609, Calibrated on 11/05/2010 that showed that external dose rates on the gauges were within limits specified in the Sealed Source and Device Registry for each type of gauge. Dosimetry records documented that dosimetry was routinely used and that doses to the majority of the authorized gauge users was low (e.g., <200 mrem/y). Discussions with an authorized gauge user showed that the individual was knowledgeable of methods to secure the gauge, control access to the gauge, and minimize radiation exposure to him and the public. The inspector also reviewed records for the last three years of the

licensee's annual review of the radiation protection program content and implementation as required by 10 CFR 20.1101(c). Records were complete but did not appear to include performance based observations. The inspector recommend to the RSO to incorporate more performance based observations into his routine audit program.

c. Conclusions

No findings of significance or violations of NRC requirements were identified.

III. Material Receipt, Use, Transfer, and Control

a. Inspection Scope

The inspector reviewed licensee methods for securing and controlling access to portable gauges during use and while in storage. Information was gathered through tours of the gauge storage area located at 16 East Franklin Street, Danbury, CT, and at a temporary job site at the Jonathan Reed School construction site in Waterbury, CT, review of documents, and through discussions with the RSO and two authorized gauge users.

b. Observations and Findings

The inspector observed that the licensee stored licensed gauges in a storage closet and secured the gauges with a minimum of two independent physical controls that formed tangible barriers to prevent unauthorized removal of the gauges when they are not under the control and constant surveillance by the licensee. During the inspector's tour, the door to the gauge storage location was open, but an authorized gauge user was maintaining access control to the gauge and was knowledgeable of methods used to maintain compliance with 10 CFR 30.34(i) during use and when the gauges are in storage.

During observations of licensed activities at a temporary job site located at the Jonathan Reed School construction site in Waterbury, CT, the inspector observed that the authorized gauge user had a gauge stored in the back of his personal vehicle (Jeep), that the windows of the vehicle were half-open, and that a Humboldt 5001EZ gauge was locked inside a container and secured to the vehicle with only one lock and chain. The inspector pointed out that the storage method only represented one physical control to prevent unauthorized removal of the gauge and gauge container. The authorized gauge user stated that he thought that he had secured the gauge with two chains and two locks, but must have missed one, due to an oversight. Upon discovery, immediate corrective actions were taken which included Installing a second chain and lock to secure the gauge container inside the vehicle, and rolling up the automobile windows and ensuring that all doors to the vehicle were locked.

The RSO stated that in addition to the immediate corrective actions, he planned to conduct training on 10 CFR 30.34(i), within 30 days, for each gauge user as a preventative action, and the training would emphasize that gauge users should verify compliance with 10 CFR 30.34(i), by counting the number of tangible barriers for gauges

and gauge containers whenever the gauges are in storage and not under the control and constant surveillance of the gauge user. The inspector noted that the failure to maintain two tangible barriers when the device was not under the direct control of the authorized user appeared to be isolated and not indicative of a program weakness.

c. Conclusions

A violation of 10 CFR 30.34(i) was identified during this inspection and is described in the attached Notice of Violation. 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.

IV. Exit Meeting

An exit meeting was conducted with Mr. Chin Okwuka, President and Radiation Safety Officer, at the conclusion of the inspection on June 7, 2011. Mr. Okwuka acknowledged the inspection findings and committed to complete training for all authorized gauge users within 30 days.

PARTIAL LIST OF PERSONS CONTACTED

Licensee

Chin Okwuka, President and Radiation Safety Officer
Michael Lariccia, Field Inspector

INSPECTION PROCEDURES USED

IP 87124, Fixed and Portable Gauges

ITEMS OPEN, CLOSED, AND DISCUSSED

Opened: 03033919/2011001-01: Failure to maintain two independent physical controls that form tangible barriers when portable gauges are not under the direct control and constant surveillance by the licensee.