



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION III  
799 ROOSEVELT ROAD  
GLEN ELLYN, ILLINOIS 60137

AUG 09 1993

MEMORANDUM FOR: Robert W. DeFayette, Director, Enforcement and Investigation  
Coordination Staff

FROM: Roy J. Caniano, Chief, Nuclear Materials Safety Branch

SUBJECT: ALLEGATION FOLLOW-UP; PROFESSIONAL SERVICE INDUSTRIES, INC.  
A.M.S. No. 93-A-0053

On June 21 and 23, 1993, a special unannounced inspection was conducted at the licensee's facility and two temporary job sites of the licensee in Cleveland, Ohio. One of these sites (Progressive Insurance Company) was the site identified by the allegor as the location where the alleged violation occurred. This special inspection was initiated to review three allegations received by our office on April 19, 1993. The allegations pertained to the transportation and storage of a Troxler moisture density gauge at one of the licensee's temporary job sites in Cleveland, Ohio. The allegation review plan was documented and discussed at the May 17, 1993 allegation review board. The plan is attached to this memorandum. Below is a description of our follow-up to the allegations.

ALLEGATION 1: The licensee stored a Troxler moisture density gauge unlocked within its carrying case.

NRC FOLLOW-UP: Condition 22 of License No. 34-26158-01 requires that licensed material be possessed and used in accordance with statements, representations and procedures contained in an application dated February 15, 1990. The section of this application entitled "Storage of Licensed Material When Not in Use," requires that gauges be stored locked in their cases or under the surveillance of the user. On June 21, 1993, the inspector visited the licensee's temporary job site at the Rock and Roll Hall of Fame location. Upon arrival, the Troxler moisture density gauge was found to be chained in the rear of a pickup bed. The source rod on the gauge was locked as was the transport case. On June 23, 1993, the inspector visited the licensee's temporary job site at Progressive Insurance Company. This gauge was being stored inside the licensee's trailer. Although the carrying case was unlocked, the source rod was locked and the authorized user was inside the trailer. Users at both temporary job sites stated that this practice is the normal mode of operation for PSI.

**CONCLUSION:** The allegation was not substantiated. The license application requires the gauges to be stored locked in their cases. Since the source rod was locked in both instances, it is considered that the gauges are locked in their cases. There is no regulatory requirement for the transport cases to be locked during storage. No violation of NRC requirements was identified.

**ALLEGATION 2:** The licensee stored a Troxler moisture density gauge inside an unlocked construction trailer during working hours, without surveillance or restricted entry.

**NRC FOLLOW-UP:** 10 CFR 20.207(a) requires that licensed materials stored in an unrestricted area be secured against unauthorized removal from the place of storage. As defined in 10 CFR 20.3(a)(17), an unrestricted area is any area access to which is not controlled by the licensee for purposes of protection of individuals from exposure to radiation and radioactive materials. Upon arrival at the Rock and Roll Hall of Fame temporary job site on June 21, 1993, the gauge assigned to the site was found to be securely chained to the bed of a pickup truck. The source rod and transport case were locked. Through further discussion with the authorized user (John Lindsey) the inspector determined that the gauge is always stored locked in the vehicle since PSI does not have a trailer at this site.

On June 23, 1993, the inspector found a gauge stored within the licensee's trailer at the Progressive Insurance Company temporary job site. Although the case was unlocked, the source rod was locked with the authorized user (Duane Whittaker) possessing the only key. The trailer was occupied by PSI personnel who were also trained in the use of the gauge. In both instances, the operators indicated that this practice is the normal mode of operation for PSI.

**CONCLUSION:** The allegation was not substantiated. In both instances, the inspector found the gauges to be secure from unauthorized removal. No violations of NRC requirements were identified.

**ALLEGATION 3:** The licensee transported a Troxler moisture density gauge in its unlocked carrying case without transportation paperwork.

**NRC FOLLOW-UP:** 10 CFR 71.5(a) requires that licensees who transport licensed material outside the confines of their plants or deliver 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 Part 170-189. 49 CFR

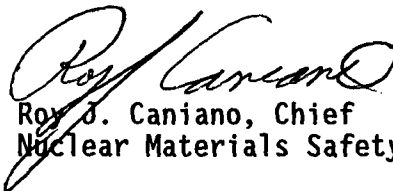
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177.817(a) requires that a carrier not transport a hazardous material unless it is accompanied by a shipping paper prepared in accordance with 49 CFR 172.200 through 172.203. The inspector reviewed the shipping papers at both temporary job sites and found them to be inclusive of all the required information. The gauge users were aware that the shipping papers were required to be carried in the front cab within reach of the driver. Both gauge users interviewed stated that this practice is the normal mode for operation of PSI.

**CONCLUSION:** The allegation was not substantiated. There is no requirement for the transport case to be locked during transportation although the licensee indicated that this is a recommended practice among its authorized users. The inspector found the shipping papers to be in order at both field sites. No violations of NRC requirements were identified.

Attached to this memorandum is a copy of the letter to the licensee. There will be no further action on our part regarding this matter and, as such, we consider this allegation closed.

If you have any questions regarding this issue, please feel free to contact Sharon Wagner on extension 617.



Roy J. Caniano, Chief  
Nuclear Materials Safety Branch

**Attachments:**

1. Allegation plan AMS 93-A-0053
2. Letter to licensee

cc: License File No. 34-26158-01  
C. Norelius  
D. Funk