



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PA 19406-2713

March 17, 2016

Docket No. 03038262
EA-16-001

License No. 06-31405-01

Franco Balassone, P.E.
Executive Vice President
HAKS Material Testing Group
36 River Street
Bridgeport, CT 06604

SUBJECT: NRC INSPECTION REPORT NO. 03038262/2015001, HAKS MATERIAL TESTING GROUP, BRIDGEPORT, CONNECTICUT SITE, THE WEST HARTFORD, CONNECTICUT TEMPORARY JOBSITE, NOTICE OF VIOLATION, AND EXERCISE OF ENFORCEMENT DISCRETION

Dear Mr. Balassone:

On December 16, 2015, Steven Courtemanche of this office conducted a safety inspection at the above address and a temporary jobsite in West Hartford, Connecticut with continuing in-office review through February 17, 2016. The inspection examined 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 Christopher Genduso, Assistant Vice President via telephone at the conclusion of the inspection on February 17, 2016. The enclosed report presents the results of this inspection.

Based on the results of this inspection, the NRC has determined that five Severity Level (SL) IV violations of NRC requirements occurred. The circumstances surrounding these violations, the significance of the issues, and the need for lasting and effective corrective action were discussed with members of your staff on December 16, 2015, at the conclusion of the onsite inspection, and again with Mr. Genduso on February 17, 2016, via telephone at the exit meeting.

The violations involved failures to: (1) use two independent controls to secure portable gauges from unauthorized removal whenever the gauges were not under licensee control or constant surveillance as required by 10 CFR 30.34(i), (2) block and brace packages as required by 49 CFR 177.842(d), (3) properly label transport cases containing gauges with radioactive material with the Transport Index as required by 49 CFR 172.403(g)(3), (4) complete the utilization log when signing in or signing out gauges from storage as required by License Condition Number 19, and (5) properly maintain a gauge so that the shutter for the cesium-137 source rod closed after use of the gauge as required by License Condition Number 19.

The violations were evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. Regarding the failure to

properly secure portable gauges as required by 10 CFR 30.34(i), in accordance with the NRC's Enforcement Policy, such violations are normally categorized at SL III and considered for escalated enforcement action. However, because: 1) one physical control existed to prevent loss or theft of the portable gauges; 2) you retained possession of the gauges; 3) the violation was isolated in nature; and 4) no indication of programmatic weakness was identified, in accordance with NRC Enforcement Guidance Memorandum (EGM) 11-004, "Interim Guidance for Dispositioning Violations of Security Requirements for Portable Gauges," the NRC is exercising enforcement discretion to categorize this violation as SL IV.

We note that when the inspector informed your staff of the violations, you had already taken, or planned to take, the following prompt corrective actions: (a) the individual involved in the first two violations was reminded of the requirements of 10 CFR 30.34(i) and 49 CFR 177.842(d), (b) all authorized users will receive training in the requirements of the above violations, (c) all transport cases' labeling will be examined and replaced as necessary, (d) the RSO or designee will conduct additional audits of temporary jobsites, and (e) the individual involved in the fifth violation was reminded to clean the gauge of dirt and grit after use of the gauge.

The above-stated violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in detail in the enclosed inspection report. The violations are being cited because they were identified by the NRC. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agency-wide Document Access and Management System (ADAMS) accessible from the NRC's 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 and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current 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 (Under 'Related Information')**. 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 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays). 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.

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy

statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

If you have any questions related to this matter, please contact Christopher Cahill of my staff at 610-337-5355.

Sincerely,

/RA/

James M. Trapp, Director
Division of Nuclear Materials Safety

Enclosures:

1. Notice of Violation
2. Inspection Report No. 03038262/2015001

cc w/encls: Gonzalo Lopez, Radiation Safety Officer
State of Connecticut

statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

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cc w/encls: Gonzalo Lopez, Radiation Safety Officer
State of Connecticut

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DATE	02/23/16		02/26/16		03/01/16		03/02/16	
OFFICE	DNMS/RI							
NAME	JTrapp/jmt							
DATE	03/17/16							

*see previous concurrences

NOTICE OF VIOLATION

HAKS Material Testing Group
Bridgeport, CT

Docket No. 03038262
License No. 06-31405-01

During an NRC inspection conducted on December 16, 2015, with on-going in-office review through February 17, 2016, five 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 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.

Contrary to the above, as of December 16, 2015, the licensee did not use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever the gauges were not under the control and constant surveillance of the licensee. Specifically, on December 16, 2015, an employee of the licensee transported a portable gauge in the trunk of a vehicle. The portable gauge was within its locked transport case but the transport case was not secured to the vehicle, thus providing only one independent physical control. The employee stated to the inspector that he had transported a portable gauge to temporary jobsites on multiple occasions in the same manner and, at times, was not with the vehicle while the portable gauge was in the vehicle.

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

- B. License Condition No. 18 of NRC License No. 06-31405-01 requires the licensee to conduct licensed activities in accordance with 10 CFR 71 regarding transportation of licensed materials.

10 CFR 71.5(a) requires, in part, that each licensee who transports licensed material outside 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, shall comply with the applicable requirements of the Department of Transportation (DOT) regulations in 49 CFR parts 107, 171 through 180, and 390 through 397.

1. 49 CFR 172.403(g)(3) requires that transport cases containing radioactive material be labeled and that the label include the Transport Index.

Contrary to the above, on December 16, 2015, transport cases containing radioactive material were labeled but the label did not include the Transport Index. Specifically, the Transport Index on the six transport cases examined by the inspector was either illegible or not included.

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

Enclosure 1

2. 49 CFR 177.842(d) requires that the licensee block and brace packages so that the packages cannot change position during conditions normally incident to transportation.

Contrary to the above, as of December 16, 2015, the licensee did not block and brace packages so that the packages could not change position during conditions normally incident to transportation. Specifically, on December 16, 2015, and on other occasions, an employee placed a transport case containing a portable gauge in the trunk of a vehicle for the purpose of transport without blocking and bracing the package.

This is a Severity Level IV violation [Enforcement Policy Section 6.3(d)(3)].

- C. License Condition 19.A of NRC License No. 06-31405-01 requires, in part, that the licensee conduct its program in accordance with the statements, representations, and procedures contained in the application dated March 11, 2010.

Item 10, "Radiation Safety Program - Operating and Emergency Procedures," of the license application dated March 11, 2010, requires the licensee to implement and maintain the operating and emergency procedures in Appendix H of NUREG-1556, Vol. 1, Rev. 1, dated November 2001.

1. Appendix H requires, in part, that portable gauges be signed out when portable gauges are removed from storage and when portable gauges are returned to storage on the gauge utilization log.

Contrary to the above, as of December 16, 2015, portable gauges were not signed out when portable gauges were removed from storage and when portable gauges were returned to storage on the gauge utilization log. Specifically, on December 16, 2015, the licensee did not sign out portable gauges when the portable gauges were removed from storage on the gauge utilization log. Also, the RSO, on numerous occasions, completed the gauge utilization log, after contacting the gauge user, when the gauge user removed the portable gauge from storage and did not complete the gauge utilization log.

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

2. Appendix H requires, in part, that the licensee perform routine cleaning and maintenance on portable gauges.

Contrary to the above, on December 16, 2015, the licensee did not perform routine cleaning and maintenance on a portable gauge. Specifically, the portable gauge was not cleaned and dirt kept the port shield for the cesium-137 source rod from closing.

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

Pursuant to the provisions of 10 CFR 2.201, HAKS Material Testing Group 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.

Dated This 17th day of March 2016

U.S. NUCLEAR REGULATORY COMMISSION
REGION I

INSPECTION REPORT

Inspection No. 03038262/2015001
EA No. EA-16-001
Docket No. 03038262
License No. 06-31405-01
Licensee: HAKS Material Testing Group
Address: 36 River Street, Bridgeport, Connecticut 06604
Other Locations Inspected: Temporary jobsite in West Hartford, Connecticut
Inspection Dates: December 16, 2015, with continuing in-office review through February 17, 2016

Inspector:	/RA/	03/17/2016
	_____	_____
	Steven Courtemanche Health Physicist Commercial, Industrial, R&D and Academic Branch Division of Nuclear Materials Safety	date
Approved By:	/RA/	03/17/2016
	_____	_____
	Christopher G. Cahill, Acting Chief Commercial, Industrial, R&D and Academic Branch Division of Nuclear Materials Safety	date

EXECUTIVE SUMMARY

HAKS Material Testing Group
NRC Inspection Report No. 03038262/2015001

HAKS Material Testing Group (HAKS) is an engineering company that operates in the State of Connecticut. This was a routine, unannounced inspection of licensed activities involving the use of sealed sources of byproduct material (cesium-137 and americium-241/Be) in portable moisture-density gauges (gauges). The gauges were used for measuring the physical properties of materials.

Based on the results of the inspection, five violations of NRC requirements were identified. The violations were: (1) the failure to use two independent controls to secure portable gauges from unauthorized removal whenever the gauges were not under licensee control or constant surveillance as required by 10 CFR 30.34(i) (Section IV), (2) the failure to block and brace packages as required by 49 CFR 177.842(d) (Section X), (3) the failure to properly label transport cases containing gauges with radioactive material with the Transport Index as required by 49 CFR 172.403(g)(3) (Section IX), (4) the failure to complete the utilization log when signing in or signing out gauges from storage as required by License Condition Number 19 (Section IV), and (5) the failure to properly maintain a gauge so that the shutter for the cesium-137 source rod closed after use of the gauge as required by License Condition Number 19 (Section IV).

Subsequent to the inspection, HAKS have already taken, or will take, the following corrective actions: (a) the individual involved in the first two violations was reminded of the requirements of 10 CFR 30.34(i) and 49 CFR 177.842(d), (b) all authorized users will receive training in requirements of the above violations, (c) all transport cases' labeling will be examined and replaced as necessary, (d) the RSO or designee will conduct additional audits of temporary jobsites, and (e) the individual involved in the fifth violation was reminded to clean the gauge of dirt and grit after use of the gauge.

REPORT DETAILS

I. Organization and Scope of the Program

a. Inspection Scope

The inspector reviewed the organization and the scope of the licensee's portable gauge program. Information was gathered through direct inspection, record reviews, and interviews with cognizant individuals.

b. Observations and Findings

HAKS Material Testing Group (HAKS) is authorized under NRC License No. 06-31405-01 to possess and use byproduct material for measuring physical properties of materials with portable moisture-density gauges (gauges) in areas of NRC jurisdiction within the United States. Licensed material is authorized to be stored at the licensee's facility in Bridgeport, Connecticut. Gauges were used frequently at temporary jobsites in the State of Connecticut. Franco Balassone is the Executive Vice President. There are six individuals authorized to perform licensed activities. Users of the gauges report to the RSO or his designee and the RSO reports to upper management.

c. Conclusions

No violations were identified.

II. Management Oversight of the Program

a. Inspection Scope

The inspector reviewed the management oversight of licensed activities and the implementation of the radiation safety program. Information was gathered through interviews with management, the RSO, authorized gauge users, and the review of records.

b. Observations and Findings

The inspector determined through interviews of company personnel the RSO's designee conducted periodic audits of licensed activities of gauge users at temporary jobsites. The inspector's review of the Annual Audits from 2010 through 2014 indicated that the format found in NUREG-1556, Volume 1, Revision 1 was followed. A weakness in the program is that the RSO often must contact gauge users in the field to determine who is using which gauge and where they are using it in order to complete the gauge utilization log (See Section IV).

c. Conclusions

No violations were identified.

III. Facilities and Equipment

a. Inspection Scope

The inspector toured the facility and examined the transport containers and gauges used by the licensee to perform licensed activities.

b. Observations and Findings

The facilities were as described in the license. The licensee possesses seven Troxler Electronics Laboratories, Inc. Model Series 3400 gauges. Each gauge contains one cesium-137 and one americium-241 sealed source. During the inspection, four of the gauges were in use at temporary jobsites.

c. Conclusions

No violations were identified.

IV. Material Receipt, Use, Transfer, and Control

a. Inspection Scope

The inspector interviewed the RSO and gauge users, and reviewed records to examine the licensee's program involving material receipt, use, transfer, and control.

b. Observations and Findings

The inspector interviewed gauge users about their knowledge of how to secure gauges from access from unauthorized individuals. Except for the instance below, the gauge users were knowledgeable how to maintain proper security. The RSO or designee removed transport cases out of service that were not equipped with chains for compliance with 10 CFR 30.34(i). On December 16, 2015, a gauge user returned from a temporary jobsite and did not use the chains on the transport case to secure the case to the vehicle to form a second tangible barrier in accordance with 10 CFR 30.34(i). The inspector spoke to the gauge user and determined that he was a new employee that transported gauges to and from temporary jobsites, did not always use the chains, and was not always in the vicinity of the vehicle.

The inspector determined that the gauges stored at the Bridgeport facility were in transport cases secured to immovable objects. When no licensee personnel were in the building, the entrance to the room was locked.

The inspector confirmed that the licensee did not exceed the possession limits listed on the license.

The inspector reviewed the gauge utilization log and determined that the log had not been completed by a gauge user when a gauge was checked out and returned to

storage on December 16, 2015. There were also a number of entries which only partially completed. The inspector spoke with a representative of management and determined that the RSO frequently called gauge users at temporary jobsites when he noted that the utilization log was not completed. Neither the inspector, the RSO, nor the management representative could confirm that the gauge utilization was completed in all instances when a gauge was removed or put back in storage.

The inspector noted that the Transport Index marked on the transport case was "7" which indicated that expected radiation dose rate level measurements at a meter should not exceed 7 millirem per hour. The inspector measured radiation dose level measurements of approximately 15 millirem per hour at one meter at a temporary jobsite of a gauge within a transport case on December 16, 2015. The licensee removed the gauge from the transport case and determined that the shield for the port for the cesium-137 rod had not closed properly. The gauge user operated the gauge and when the source rod was retracted to the shielded position, the port shield closed. The licensee stated that dirt likely was hindering the operation of the port shield.

c. Conclusions

The following violations were identified during the inspection:

1. 10 CFR 30.34(i) requires, in part, that each portable gauge licensee shall 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.

Contrary to the above, as of December 16, 2015, the licensee did not use a minimum of two physical controls that formed tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges were not under the control and constant surveillance of the licensee. Specifically, a locked transportation case was placed in the locked trunk of a vehicle without second independent physical control forming a tangible barrier on December 16, 2015, and on other non-specified occasions, and the licensee did not maintain control and constant surveillance of the portable gauges.

The licensee performed/will perform the following corrective actions: (1) the licensee reminded the gauge user of the requirements, (2) the licensee committed to additional audits of temporary jobsites, and (3) the incident will be brought to the attention of all gauge users during a training session.

2. License Condition 19.A requires, in part, that the licensee conduct its program in accordance with the statements, representations, and procedures contained in the application dated March 11, 2010.

Item 10, "Radiation Safety Program – Operating and Emergency Procedures," requires the licensee implement and maintain the operating and emergency procedures in Appendix H of NUREG-1556, Vol. 1, Rev. 1, dated November 2001.

- A. Appendix H requires, in part, that portable gauges be signed out when the portable gauges are removed from storage and when the portable gauges are returned to storage on the gauge utilization log.

Contrary to the above, as of December 16, 2015, the licensee did not sign out portable gauges when the portable gauges were removed from storage and when the portable gauges were returned to storage on the gauge utilization log. Specifically, on December 16, 2015, the licensee did not complete the gauge utilization log when a portable gauge was removed from or returned to storage. Also, the RSO, on numerous occasions, completed the gauge utilization log, after contacting the gauge user, when the gauge user removed the portable gauge from storage and did not complete the utilization log.

The licensee performed/will perform the following corrective actions: (1) the licensee reminded the gauge user of the requirements, (2) the licensee committed to more frequent review of the gauge utilization log by management, and (3) the incident will be brought to the attention of all gauge users during a training session.

- B. Appendix H requires, in part, that the licensee perform routine cleaning and maintenance according to the manufacturer's instructions and recommendations.

Contrary to the above, on December 16, 2015, the licensee did not perform routine cleaning and maintenance on a portable gauge. Specifically, the port shield for the cesium-137 source rod of a gauge used at a temporary jobsite did not close after use either because of dirt in the mechanism or a malfunctioning spring.

The licensee performed/will perform the following corrective actions: (1) the licensee reminded the gauge user to check the portable gauge for the proper operation of the port shield, and (2) the incident will be brought to the attention of all gauge users during a training session.

V. Training of Workers

a. Inspection Scope

The inspector reviewed training records and interviewed licensee personnel to determine the extent of training given to gauge users.

b. Observations and Findings

The inspector's review of the training records determined that Annual Radiation Safety Training and HAZMAT training were provided to all gauge users at the required interval. The inspector's interview of licensee management determined that appropriate topics were covered. Interviews with the gauge users determined a good, working knowledge of the licensee's Operating and Emergency Procedures as well as Department of Transportation regulations except as noted with one individual (see Section IV), the gauge utilization log (See Section IV) and labeling of the transport cases (See Section VIII).

The inspector confirmed that all gauge users had received HAZMAT training within 90 days of employment or change of job function and recurrent training within the past three years. The violation identified during the previous inspection is closed (see Section entitled "Items Opened, Closed, and Discussed).

c. Conclusions

No violations were identified.

VI. Radiation Surveys

a. Inspection Scope

The inspector performed radiation dose rate surveys of the areas surrounding the gauge storage area, of the gauges, and at a gauge storage area at a temporary jobsite.

b. Observations and Findings

The inspector conducted independent surveys of the gauge storage locations and several gauges using NRC's Ludlum Model 2401P (SN 22128G; Cal. Due April 20, 2016). The dose rates were determined to be well below the regulatory limits for dose to members of the public around the storage areas. The gauges' radiation dose rates were comparable to the manufacturer's published dose rates in the Sealed Source and Device Registry except for one instance. When the gauge was removed from the transport case and examined, the licensee determined that the port shield for the cesium-137 source rod was open. The licensee operated the gauge, in the presence of the inspector, which caused the port shield to close (see Section IV).

c. Conclusions

No violations were identified.

VII. Radiation Protection

a. Inspection Scope

The inspector interviewed licensee management, the RSO, and gauge users, reviewed records, and observed how gauge users wore dosimetry.

b. Observations and Findings

The inspector interviewed licensee management, the RSO, and gauge users to determine how portable gauges were used and what procedures were taken to protect the gauge users and the public from radiation exposure. The inspector reviewed the licensee's personnel dosimetry records. The examination of the records determined that none of the gauge users received a radiation dose in excess of 10 percent of the regulatory limits for an occupationally-exposed individual. At the temporary jobsite and

at the office, the inspector observed that personnel dosimetry was worn properly by the gauge users.

c. Conclusions

No violations were identified.

VIII. Radioactive Waste Management

a. Inspection Scope

The inspector interviewed licensee management about transfers of portable gauges.

b. Observations and Findings

The inspector interviewed licensee management and determined that portable gauges that were no longer required were sent back to the manufacturer for disposal.

c. Conclusions

No violations were identified.

IX. Posting and Labeling

a. Inspection Scope

The inspector observed postings at the Bridgeport facility and labeling of the transport cases.

b. Observations and Findings

The inspector observed that postings were made in accordance with 10 CFR 19.11 and 21.6. The inspector examined the transport cases in the Bridgeport office and determined that the Transport Index on the labels were either blank or illegible.

c. Conclusions

The following violation was identified:

49 CFR 172.493(g)(3) requires that the labels on transport cases have the Transport Index as part of the label.

Contrary to the above, on December 16, 2015, the labels on transport cases either did not have the Transport Index on them or the Transport Index was illegible.

The licensee will perform the following corrective action: The licensee stated that new labels will be applied to all of the transport cases which did not have the Transport Index on them or the Transport Index was illegible.

X. Transportation

a. Inspection Scope

The inspector interviewed gauge users, examined the transport cases, and observed how portable gauges were transported on public highways.

b. Observations and Findings

The inspector determined that the portable gauges were properly secured during transport, except by one individual (see Section IV). On December 16, 2015, the individual returned a portable gauge from a temporary jobsite without blocking and bracing the transport case in the trunk of his vehicle. The individual stated to the inspector that, when he brought a portable gauge to or from a temporary jobsite, the transport case was as the inspector observed on December 16, 2015. The inspector's examination of transport cases determined that the transport cases were marked and labeled as required except as stated in Section IX and were within the specifications of the Sealed Source and Device Registry. The violation identified during the previous inspection is closed (see Section entitled "Items Open, Closed, and Discussed). The inspector's interviews of gauge users determined, with one exception above, that the gauge users were knowledgeable about how to transport gauges on the public highways.

c. Conclusions

The following violation was identified:

49 CFR 177.842(d) requires that packages must be so blocked and braced that they cannot change position during conditions normally incident to transportation.

Contrary to the above, as of December 16, 2015, packages were not so blocked and braced by the licensee that the package could change position during conditions normally incident to transportation. Specifically, a transport case containing a portable gauge was placed in the trunk of a vehicle without blocking and bracing on December 16, 2015, and on other unspecified occasions, while being transported to and from temporary jobsites.

The licensee performed/will perform the following corrective actions: (1) the gauge user was reminded of the requirements, and (2) the incident would be brought to the attention of all gauge users during a training session.

XI. Exit Meeting

On December 16, 2015, the inspector discussed the preliminary findings of the inspection with licensee management. On February 17, 2016, a telephonic exit meeting was conducted with licensee management. The licensee representative acknowledged the inspector's findings.

PARTIAL LIST OF PERSONS CONTACTED

Licensee

Gonzalo Lopez, Radiation Safety Officer
Christopher Genuso, Assistant Vice president, Laboratory Manager
Sean Sepulveda, Gauge User
Hector Borges, Gauge User

INSPECTION PROCEDURES USED

NRC Inspection Procedure 87124, "Fixed and Portable Gauge Programs"

ITEMS OPEN, CLOSED, AND DISCUSSED

The following violations were identified:

- (1) Failure to use two independent controls to secure portable gauges from unauthorized removal whenever the gauges were not under licensee control or constant surveillance as required by 10 CFR 30.34(i) (Section IV).
- (2) Failure to block and brace packages as required by 49 CFR 177.842(d) (Section X).
- (3) Failure to properly label transport cases containing gauges with radioactive material were not labeled with the Transport Index as required by 49 CFR 172.403(g)(3) (Section IX).
- (4) Failure to complete the utilization log when signing in or signing out gauges from storage as required by License Condition Number 19 (Section IV).
- (5) Failure to properly maintain a gauge so that the shutter for the cesium-137 source rod closed after use of the gauge as required by License Condition Number 19 (Section IV).

The following violations were closed:

- (1) Failure to reevaluate the performance capability of modified packages (shipping containers) with respect to compliance with the design requirements of 49 CFR 173.412 and the test requirements in 49 CFR 173.465. The licensee went back to using unmodified shipping containers from the manufacturer.
- (2) Failure to provide recurrent training to HAZMAT employees within three years as required by 49 CFR 172.704(d). All employees requiring retraining had received training within the last three years and new employees had received training within 90 days of starting their duties.