



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD – SUITE 102
KING OF PRUSSIA, PA 19406-1415

January 12, 2024

Flavio Chocala
Radiation Safety Officer
Thermo EGS Gauging, LLC
22 Alpha Road
Chelmsford, MA 01824

SUBJECT: THERMO EGS GAUGING, LLC – NRC INSPECTION REPORT
NO. 150-00020/2023-002 AND NOTICE OF VIOLATION

Dear Flavio Chocala:

This letter refers to the NRC's review following your submission of an NRC Form 241 on Saturday, November 18, 2023, requesting NRC approval consistent with Title 10 of the *Code of Federal Regulations* (10 CFR) 150.20(b)(2), for licensed activities to-be-performed on the same day. The NRC acknowledged receipt on Monday, November 20, 2023. This review was deemed an inspection following the determination that your activities performed on November 18, 2023, constituted licensed activities. This inspection examined your activities as they relate to public health and safety and to confirm compliance with the Commission's rules and regulations. Within these areas, the inspection consisted of selected examination of representative records and interviews with personnel at Thermo EGS Gauging, LLC. The NRC requested and received information related to your activities, to the nuclear gauge upon which they were directed, and the personnel who performed or directed these activities. A final telephonic exit briefing was conducted with you on January 11, 2024.

Based on the results of this inspection, the NRC has determined that a Severity Level IV violations of NRC requirements occurred. This violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation involved the failure to receive NRC approval prior to the performance of activities under the general license granted in 10 CFR 150.20. In addition, the NRC evaluated whether the general license granted under 10 CFR 31.6 "General License to Install Devices Generally Licensed in [10 CFR] 31.5" applied, and determined that the fixed gauge in question was distributed to and possessed under the authority of a specific NRC license, and therefore the general license granted under 10 CFR 31.6 did not apply.

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 and Procedure," a copy of this letter and your response will be made available electronically for public inspection in the NRC Public Document Room located at NRC Headquarters in Rockville, MD, and from the NRC's document system, the Agencywide Documents Access and Management System

(ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy or proprietary information so that it can be made available to the Public without redaction. If you have any questions regarding this matter, please contact Jason vonEhr of my staff at (610) 337-5256 or via electronic mail at Jason.vonEhr@nrc.gov.

Thank you for your cooperation.

Sincerely,

Monica Ford, Chief
Commercial, Industrial, R&D
and Academic Branch
Division of Radiological Safety and Security
Region I

Docket No. 150-00020
License No. MA-20-6751

Enclosure:
Notice of Violation

cc w/ enclosure:
State of Michigan
Commonwealth of Massachusetts

THERMO EGS GAUGING, LLC – NRC INSPECTION REPORT NO. 150-00020/2023-002 AND NOTICE OF VIOLATION DATED JANUARY 12, 2024

DISTRIBUTION:
None

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OFFICE	RI:DRSS	RI:DRSS			
NAME	Jason vonEhr	Monica Ford			
DATE	1/11/24	1/12/24			

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Thermo EGS Gauging, LLC
Chelmsford, MA

Docket No. 150-00020
License No. MA-20-6751

During an NRC inspection conducted remotely from November 20, 2023, through January 9, 2024, a violations of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 150.20(b)(2) requires, in part, that any person engaging in activities in non-Agreement States shall file an amended NRC Form 241 or letter with the Regional Administrator to request approval for changes in work locations, radioactive material, or work activities different from the information contained on the initial NRC Form 241.

Contrary to the above, on November 18, 2023, Thermo EGS Gauging, LLC, which was authorized for possession and use of radioactive material under a specific license issued by the Commonwealth of Massachusetts, performed service provider activities on Saturday, November 18, 2023, without receiving NRC approval for those activities. Specifically, Thermo EGS Gauging, LLC, performed licensed activities, including the operation, troubleshooting, and repair of a fixed nuclear gauge at a client's site in Michigan, a non-Agreement State, having submitted an amended NRC Form 241 prior to the performance of work but without receiving approval by the NRC prior to commencing these licensed activities.

This was determined to be a Severity Level IV violation (NRC Enforcement Policy Section 6.9.d.14).

Pursuant to the provisions of 10 CFR 2.201, Thermo EGS Gauging, LLC, 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 publicly available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific

Enclosure

F. Chocala

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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 12th day of January 2024