

Reply to a Notice of Violation

February 7th, 2024

Director, Office of Enforcement
U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, D.C. 20555-0001

Subject: Response to a notice of violation dated January 12th, 2024.

Licensee, Thermo EGS Gauging, LLC. License No. MA-20-6751
Docket No. 150-00020

Dear Chief Ford,

This letter is in response to the notice of violation received by your office dated January 12th, 2024.

The violation alleged:

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.

Thermo EGS Gauging Response:

Here at Thermo EGS Gauging, LLC. we put in a lot of effort, and we take pride in our compliance with all applicable regulations with the U.S. NRC including 10 CFR 150.20(b)(2).

In June 2015 Thermo EGS Gauging, LLC. converted from a specific service license to reciprocal recognition from the Commonwealth of Massachusetts license# 20-6751. Since then, Thermo EGS Gauging, LLC. has submitted over 100 NRC Form 241 Report of proposed activities in non-agreement states without fault.

This situation took place on a weekend, which is very rare occasion for us, and we had a field service engineer already onsite. He proceeded to contact our Service Manager who then notified me of the situation. I proceeded to send our NRC form 241 for this job and tried to get verbal approval from the USNRC Region 1 office by telephone. I was unable to get through as it was on a weekend. By the time I got back to the Field Service engineer, he had already started the repair that involved licensed activities.

Thermo EGS Gauging, LLC has already taken corrective action to remedy this situation as to not have it happen again. To name a few...

We hold a weekly meeting designed to discuss issues such as this with our field service engineers and management.

- The event in question was mentioned the week following the incident to raise awareness and talk about the possible outcome and consequences.
- During another subsequent meeting, the Notice of Violation was also mentioned and discussed, once again stating the importance of complying with the regulations of the USNRC and Agreement states.
- Our internal policy document was also modified to include verbiage such as:

Service Technicians shall have verbal or written approval from the agreement state or the USNRC in order to commence licensed activities, no exceptions.

With all sincerity Thermo EGS Gauging, LLC's management and team members are confident that this type of violation will not repeat itself and we apologize for any inconvenience this may have caused.

If you require any further information concerning this response, please contact me at (978) 971-8420

Sincerely,



Flavio Chocala
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Cc: Dan Kalin, Director, EHS
Scott Merrow, SR. Service Manager
Okey Deraimo, Field Service Manager