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NRC PROPOSES \$3,250 CIVIL PENALTY FOR PA. FIRM FOR PORTABLE NUCLEAR GAUGE VIOLATIONS

The Nuclear Regulatory Commission has proposed a \$3,250 fine for Pennoni Associates, Inc., a Bethlehem, Pa., engineering firm, for three violations of agency requirements involving the control and security of a portable nuclear gauge. The device, which contains small amounts of radioactive material, is used for such industrial purposes as checking the density of soil at construction sites.

NRC inspectors identified the violations during a special inspection conducted between Aug. 21 and Sept. 21 at the company's Bethlehem offices and at temporary job sites in Rehrersburg and Chambersburg, Pa. That inspection was performed to review the circumstances surrounding an event that took place in August.

On Aug. 21, Pennoni notified the NRC that a portable nuclear gauge belonging to the firm was missing. The gauge had been stored in a vehicle owned by a company employee authorized to use the gauge. The employee had loaned the vehicle to a relative at 11 p.m. on Aug. 19 to perform a short errand. The gauge was locked and stored in the back seat of the vehicle when it was borrowed. It was inside a locked transportation container, which was secured to the vehicle by a locked cable. The vehicle was not returned to the company employee that night, as promised.

On Aug. 23, another relative of the company employee located the vehicle and returned it. However, the gauge and its transportation container were missing. The relative informed the Pennoni staffer that the gauge had been removed from the vehicle and left on the front porch of a residence in Bethlehem. The company retrieved the gauge from the porch later that day and returned it to a company storage location in Bethlehem. It was determined that a lock on the transportation container had been broken and one of its handles damaged. However, there was no damage to the gauge and the radioactive material inside was still safely shielded.

“Although you determined that the sources remained in their shielded position during the time the gauge was in the public domain and, therefore, no member of the public received measurable radiation exposure, these violations are of concern to the NRC because (1) the failure to control radioactive material resulted in the gauge being in the public domain for approximately four days; and (2) such sources can result in unintended radiation dose to an individual if the sources are removed

from their shielded position,” NRC Region I Administrator Samuel J. Collins wrote in a letter to Pennoni Associates notifying the company of the enforcement action.

The violations identified by the NRC are: 1) a failure to use a minimum of two independent physical controls to prevent unauthorized removal of a nuclear gauge when it was not under direct control and constant surveillance of company personnel; 2) a failure to maintain constant surveillance of the device in an unrestricted area; and 3) a failure to make an immediate telephone report to the NRC after the gauge was discovered to be missing.

The company participated in a predecisional enforcement conference with the NRC in order to provide additional information about the event and inspection. The conference, which was open for observation, was held on Nov. 28 at the NRC Region I Office in King of Prussia, Pa., and included a discussion of steps taken by the firm to recover the gauge and to prevent a recurrence. These corrective actions include the appointment of a new Radiation Safety Office as soon as the individual has completed training and the launch of a program to perform unannounced audits of authorized gauge users to ensure compliance with safety and regulatory requirements, including assuring that radioactive material is secure at all times.

The company is required to provide the NRC with a written reply within 30 days.

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