

U.S. Nuclear Regulatory Commission

Office of Public Affairs Region III

1000 Ryan Hall, 20th Floor, Suite 1000

Arlington, Virginia 22204

Room 1000

Customer Service Center

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Number 1000

NRC Regional Office in Arlington, Virginia

The Nuclear Regulatory Commission staff has responded to a request from Terracon Companies, Inc. concerning the proposed safety requirements for portable nuclear gauges.

NRC initiated an inspection of the proposed portable nuclear gauges. The NRC staff also conducted an investigation into the matter and a full report was issued. Terracon and NRC officials discussed the violations at a pre-licensing conference on October 11 at the NRC Region III office in Arlington, Virginia.

The NRC has determined that Terracon employees are not receiving formal manufacturer operator safety training to operate portable nuclear gauges despite a company commitment to provide such training in its NRC license application. The operators are receiving only in-house training.

Portable nuclear gauges contain radioactive material and are used in construction work to measure the moisture content and density of soil. The use of these gauges could result in the operator or others receiving a harmful radiation exposure.

NRC Regional Administrator Ellis J. Percipio in a letter to Terracon President Barry A. Johnson said that although there were no safety consequences of this violation, the NRC considers this a matter of significant regulatory concern because Terracon chose for business reasons to violate this requirement.

The violation has been classified as Severity Level 1 on the NRC's four-level scale for the base civil penalty is \$10,000. Level 1 violations are the most serious. The penalty was doubled as permitted by NRC policy because the violation was discovered by NRC inspectors and as a result of corrective actions taken by the company were not deemed to be comprehensive.

Terracon is required to respond in writing to the NRC documenting the specific actions taken and any additional actions planned to prevent a recurrence of the violations. The company has agreed to pay the fine or file a protest. If the protest is denied, the company may request a hearing.

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