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NRC PROPOSES \$7,500 FINE AGAINST N.J. FIRM FOR ALLEGED NUCLEAR GAUGE VIOLATIONS

The Nuclear Regulatory Commission staff has proposed a \$7,500 civil penalty against a Cranford, N.J., company for two alleged violations of NRC requirements involving a failure to maintain proper control of a nuclear gauge. The device, which contains radioactive material, is used for industrial purposes such as measuring the density of soil at construction sites.

NRC inspectors identified the violations during a review conducted from February 10 through 20 of this year at PMK Group, Inc., offices and a temporary work site in East Orange, N.J., as well as during a subsequent investigation by the agency's Office of Investigations (OI). On July 9, representatives of the company discussed the violations with NRC staff during a predecisional enforcement conference held at the NRC's Region I Office in King of Prussia, Pa.

The NRC requires that nuclear gauges be secured against unauthorized removal or access. On February 9, however, a nuclear gauge owned by PMK Group was not secured, nor was control or constant surveillance provided, while at the temporary work site. More specifically, the gauge's user walked away from the device, leaving it unattended on the ground for approximately 30 minutes. During the time the gauge was unattended, the gauge was crushed by heavy equipment moving in the area and the radioactive material it held – approximately 11 millicuries of cesium-137 and 44 millicuries of americium-241 – was lost.

Despite extensive searches, the material has not yet been recovered. Because the material is contained in robust, tightly welded containers, a release of radioactive contamination is not likely. Furthermore, the amount of material and resulting radiation levels are not large and will not cause harm to an individual unless one of the radioactive sources is in direct contact with the skin for an extended period of time.

Based on the facts it has gathered, the NRC has concluded the violations were willful because (1) the worker who left the gauge unattended stated he was responsible for doing so; and (2) the worker had attended training pertaining to maintaining proper control of nuclear gauges. The worker's actions, in leaving the gauge unattended, contributed to damage to the device and loss of the material.

“Given the individual’s admission to the OI investigator and level of education and experience, the NRC concluded that the individual’s actions were taken with careless disregard of the requirements,” NRC Region I Administrator Samuel J. Collins wrote in a letter to PMK Group regarding the enforcement action. “Willful violations are a serious concern because the NRC’s regulatory program relies, in part, on the honesty and integrity of licensees and their employees. As such, willful violations cannot be tolerated.”

The PMK Group has taken steps to prevent a recurrence. These include reprimanding the worker responsible for the event and prohibiting the individual from gauge use for one year; preparing new procedures for gauge users; providing training for all of its gauge users that emphasize their responsibility for ensuring the security of licensed radioactive materials; and implementing a quality assurance program that includes periodic audits of the company’s radiation protection program and gauge users’ compliance with the requirements.

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

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