



# NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

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## **NRC, PA. COMPANY TO DISCUSS APPARENT VIOLATIONS STEMMING FROM TEMPORARY LOSS OF NUCLEAR GAUGE**

Nuclear Regulatory Commission staff will meet with representatives of a Bethlehem, Pa., engineering firm on Tuesday, Nov. 28, to discuss three apparent violations of agency requirements involving the control and security of NRC-licensed radioactive materials. The apparent violations stem from the temporary loss of a nuclear gauge in August and were identified during an NRC special inspection conducted in September at the offices of Pennoni Associates, Inc., and at two temporary job sites.

The predecisional enforcement conference is scheduled to begin at 10 a.m. at the NRC Region I Office, at 475 Allendale Road in King of Prussia, Pa. It will be open to the public for observation, though portions may be closed, if necessary, to discuss specific security aspects of the apparent violations.

On Aug. 21, Pennoni notified the NRC that a portable nuclear gauge belonging to the firm was missing. The gauge, which contains small amounts of radioactive material and is used for such purposes as measuring soil density at construction sites, had been stored in a vehicle owned by a company employee authorized to use it. The employee had loaned the vehicle to a relative at 11 p.m. on Aug. 19 to perform a short errand. The gauge was 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, 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 on the morning of Aug. 24 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.

An NRC special inspection was conducted on Sept. 7 and 8 to review the circumstances surrounding the event. The inspection took place at the company's offices in Bethlehem and at temporary job sites in Rehrersburg and Chambersburg, Pa.

The apparent violations by Pennoni are as follows: 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 purpose of the Nov. 28<sup>th</sup> meeting is to obtain information to enable the NRC to determine what, if any, enforcement action is warranted. There will be an effort to come to a common understanding of the facts and a discussion of root causes of the event and corrective actions undertaken by the company.

No decision will be made by the NRC staff at the session. Rather, NRC management will render a decision sometime in the near future.

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