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NRC PROPOSES \$3,250 CIVIL PENALTY FOR CHAMBERSBURG, PA., FIRM OVER TEMPORARY LOSS OF NUCLEAR GAUGE

The Nuclear Regulatory Commission staff is proposing a \$3,250 fine for a firm based in Chambersburg (Franklin County), Pa., based on a violation of agency requirements involving inadequate control and security of a portable nuclear gauge. The gauge contains radioactive material and is used for such industrial purposes as measuring the density of soil at construction sites.

On May 7, 2007, Valley Quarries, Inc., reported to the NRC that late on May 6 or early on May 7, a nuclear gauge was stolen from an unattended, company-owned pickup truck parked in the driveway of an employee's residence. At the time, the device was in a locked transportation case inside the vehicle's cab.

Pennsylvania State Police reported on May 23, 2007 that the gauge had been recovered in a field just off a highway in Fayetteville, Pa. The transportation case's lock had been removed when the gauge was found, but the handle used to move the radioactive sources inside the device was still locked and the sources remained in the shielded position.

In response to the theft of the gauge, the NRC conducted an inspection on May 10, 2007 at Valley Quarries' Chambersburg office and at a field location near Gettysburg, Pa. The inspection, which was performed to review the circumstances surrounding the event, led to the NRC citing a violation by the company. Specifically, the violation stems from a failure to use at least two physical controls to ensure that a nuclear gauge cannot be removed without authorization during periods when such a device is not under the direct control and surveillance of company personnel.

"Although there were no health and safety consequences to the public, the NRC considered that the gauge was in an unrestricted area for a period of 16 days, and that there was a potential for radiation exposure to members of the public if the source had been removed from its shielded position," NRC Region I Deputy Administrator Marc Dapas wrote to the company regarding the enforcement action. "There was also the potential for contamination if someone had tried to tamper with the sealed source."

Valley Quarries declined the opportunity to participate in an NRC Predecisional Enforcement Conference, which allows companies to provide the agency with additional information prior to

reaching a decision on potential enforcement actions. However, the company has notified the NRC of actions it has taken to prevent a recurrence, including staff training on gauge security requirements, the purchase of chains and locks to meet gauge transportation/security requirements, and inspections to ensure gauges are being properly stored.

The company is required to provide the NRC with a response to the civil penalty within 30 days. The agency will conduct additional inspection to verify the firm's implementation of its corrective actions.

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