



NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

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NRC PROPOSES \$3,250 CIVIL PENALTY FOR TAMPA, FLA. COMPANY OVER APPARENT VIOLATIONS INVOLVING NUCLEAR GAUGE USE, SECURITY

The Nuclear Regulatory Commission staff is proposing a \$3,250 fine for a Tampa, Fla.-based firm for two apparent violations of agency requirements involving a portable nuclear gauge. Such gauges contain radioactive material and are used for measuring the moisture density of soil at construction sites and other purposes.

On March 7, 2007, the NRC was notified that a portable nuclear gauge owned by MC Squared, Inc., of Tampa had been stolen from a temporary job site on a Seminole Indian Reservation in Clewiston, Fla. At the time, the gauge was stored in a trailer. The theft is believed to have occurred between March 2 and 7, 2007.

MC Squared informed the NRC on May 17, 2007 that the gauge had been recovered. A member of the public had found the device on a public highway in Florida and kept it until it was retrieved by the company on May 11, 2007. The company determined there was no damage to either the gauge or its container.

Florida is an "Agreement State," which means the state has responsibility for regulating nuclear materials within its borders that would otherwise be regulated by the NRC. However, Federal Reservations located within Agreement States are under the NRC's jurisdiction.

In response to the theft of the gauge, the NRC sent an inspector to the Clewiston job site on March 15, 2007 to review the circumstances surrounding the event. The inspector determined that MC Squared, which is licensed by the State of Florida, had been using the gauge at two reservations in Florida since Jan. 1, 2006 without NRC approval. The inspector also learned that the gauge had not been secured as required under NRC regulations at the time it was stolen.

The inspection has led to the NRC citing the company for two apparent violations. One of the violations stems from a failure by MC Squared to notify the NRC prior to using a gauge at sites that are within NRC jurisdiction. The other violation involves a failure to use at least two

physical controls to secure the gauge from unauthorized removal during periods when such a device is not under the direct control and surveillance of company personnel.

In a letter to MC Squared regarding the enforcement action, NRC Region I Administrator Samuel J. Collins wrote that the violations are of concern to the agency because, among other things, “unintended radiation doses to members of the public could occur if sources in the gauge are removed from their shielded position” and “the NRC had no knowledge that radioactive material that required an NRC license or approval under reciprocity was being used at the two Indian Reservations, which are under NRC’s jurisdiction.”

MC Squared declined the opportunity to take part 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 obtaining a license for work to be performed in areas of NRC jurisdiction, adding physical controls for gauges, instituting random checks of such controls and providing additional training for staff on storage and handling requirements for gauges.

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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