

NOTICE OF VIOLATION

Connecticut Materials Testing
Norwalk, CT

Docket No. 03036059
License No. 06-30745-01

During an NRC inspection conducted April 18, 2012, through June 12, 2012, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Condition 9 of NRC license 06-360745-01 authorizes the use of Cesium 137 and Americium 241 in portable gauging devices for measuring physical properties of materials.

Contrary to the above, on March 16, 2012 through April 9, 2012, the licensee possessed a portable gauging device, Seaman Corporation Model C-200, containing a sealed source of byproduct material (radium-226), without the authorization for this radioisotope on its NRC license. Specifically, on March 16, 2012, the licensee acquired a portable gauge containing radium-226, and the material was not authorized by its NRC license until April 10, 2012.

This is a Severity Level IV violation (6.3.d.7).

- B. 10 CFR 20.1101(c) requires that the licensee shall periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, between September 2008, and October 2010, the licensee failed to perform a required periodic review of the radiation protection program. Specifically, a review of the radiation protection program content and execution was not conducted for calendar year 2009.

This is a Severity Level IV violation (6.3.d.3).

- C. Condition 19 of NRC license 06-360745-01 authorizes the licensee to transport licensed material in accordance with 10 CFR 71, "Packaging and Transportation of Radioactive Material."

10 CFR 71.5(a) requires, in part, that a licensee who transports licensed material on public highways must comply with the requirements of the regulations of the Department of Transportation (DOT) in 49 CFR Parts 170 through 189.

49 CFR 172.202 requires, in part, that the shipping description of a hazardous material on the shipping paper must include the identification number prescribed for the material as shown in Column (4) of the §172.101 table.

Contrary to the above, on multiple occasions between January 29, 2008, and April 19, 2012, the licensee transported licensed material on public highways and the shipping papers did not include the correct identification number prescribed for the material as shown in Column (4) of the §172.101 table. Specifically, the licensee's shipping papers listed UN2974 for Humboldt Model 5001P gauges; however, the identification number prescribed for the material as shown in Column (4) of the §172.101 table for the material was UN3332.

This is a Severity Level IV violation (6.8.d.4).

The NRC has concluded that information regarding the reasons for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance will be achieved is already adequately addressed on the docket. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated this 13 day of June 2012