

October 23, 2014
EN 14-042

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

LICENSEE: Kruger Technologies, Inc.

EA-14-113

SUBJECT: CONFIRMATORY ORDER

This is to inform the Commission that a Confirmatory Order (CO) will be issued to Kruger Technologies, Inc., (licensee) on or about October 28, 2014. The CO will confirm commitments reached as part of an alternative dispute resolution (ADR) mediation settlement agreement between the licensee and the Nuclear Regulatory Commission (NRC).

The mediation session was associated with the failure to secure a portable gauge with a minimum of two independent physical controls when not under control or constant surveillance as required by 10 CFR 30.34(i). Specifically, on May 21, 2014, an NRC inspector observed an unsecured portable gauge in the bed of a pickup truck parked in front of the licensee's building. There were no licensee personnel in the immediate vicinity to provide control or constant surveillance of the gauge. The gauge transportation case was chained to the bed of the truck with a single chain; however, the lid of the transportation case was not locked and would not have prevented unauthorized removal of the gauge. Since the licensee did not identify the violation and had been subject to escalated enforcement action within the last two inspections, a civil penalty was warranted. Therefore, the licensee was given the opportunity to request ADR as opposed to only responding in writing or attending a PEC.

In response, the licensee requested to engage in ADR. The mediation session was held September 3, 2014, and the licensee agreed to take a number of actions, including but not limited to: (1) revising the company-wide policy to describe implementation of NRC safety and security requirements for portable gauges; (2) ensuring all authorized gauge users are trained initially and annually on the revised company-wide policy; (3) increasing management oversight by establishing a process to periodically conduct field inspections; and (4) providing Radiation Safety Officer training for an additional authorized gauge user. In consideration of the commitments outlined in the CO, the NRC agreed to refrain from issuing a Notice of Violation or proposing a civil penalty for the apparent violation.

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The schedule of issuance and notification is:

Mailing of Confirmatory Order
Telephone Notification of Company

October 28, 2014
October 28, 2014

The States of Kansas and Missouri will be notified.

DISTRIBUTION: EN-14-042, October 23, 2014

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