



**UNITED STATES**  
**NUCLEAR REGULATORY COMMISSION**  
REGION I  
2100 RENAISSANCE BOULEVARD, SUITE 100  
KING OF PRUSSIA, PA 19406-2713

July 1, 2015

Docket No. 03019515

License No. 06-19909-01

William J. Soucy  
President & Radiation Safety Officer  
Materials Testing, Inc.  
55 Laura Street  
New Haven, CT 06512

**SUBJECT: NRC INSPECTION REPORT NO. 03019515/2015001, MATERIALS TESTING, INC., NEW HAVEN, CONNECTICUT SITE AND THE OFFICE, WILLIMANTIC, CONNECTICUT, AND NOTICE OF VIOLATION**

Dear Mr. Soucy:

On May 19 & June 25, 2015, John Miller of this office conducted a safety inspection at the above address, the office at 42 Boston Post Road, Willimantic, Connecticut, and at a temporary jobsite of activities authorized by the above listed NRC license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selective examination of representative records. The findings of the inspection were discussed with you on a teleconference at the conclusion of the inspection on June 25, 2015.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation involved the failure to ensure that HAZMAT employees, who performed functions subject to the requirements of 49 CFR Parts 171 – 177, were re-trained every three years.

The violation is cited in the enclosed Notice of Violation (Notice), because the violation was identified by the NRC. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response.

Also, the violation as listed in the Notice is a repeat violation that was identified during previous inspections of your licensed program. This was documented in the Notice of Violation enclosed with our letter dated July 10, 2013. Although we had verified that you took corrective action to address the previous violations, the current violations are of concern because your preventative actions were not effective in preventing recurrence and indicate a lack of attention to detail. The NRC expects licensees to conduct their programs with meticulous attention to detail and high standards of safety and compliance. Because of the potential for radiation exposure to employees and the public which could result from failure to comply with NRC requirements, you must conduct your program according to NRC regulations, the conditions of your NRC license, and the representations made in your application.

During our inspection exit meeting on June 25, 2015, you indicated that Materials Testing, Incorporated is committed to radiation safety and to compliance with NRC regulations and licensed condition. Further, you stated verbally that you have restricted the individual's use of a portable gauge until that individual has completed the required HAZMAT/DOT refresher training. In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's expectations for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

Current NRC regulations and guidance are included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

Please contact John Miller at 610-337-5089 if you have any questions regarding this matter.

Sincerely,

/RA/

Blake D. Welling, Chief  
Commercial, Industrial, R&D  
and Academic Branch  
Division of Nuclear Materials Safety

Enclosure:  
Notice of Violation

cc: State of Connecticut

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Commercial, Industrial, R&D  
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Enclosure:  
Notice of Violation

cc: State of Connecticut

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**SUNSI Review Complete:** JMiller

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OFFICE	DNMS/RI	N	DNMS/RI				
NAME	JMiller/jjm		BWelling/bdw				
DATE	6/30/15		7/01/15				

OFFICIAL RECORD COPY

## **NOTICE OF VIOLATION**

Materials Testing, Inc.  
New Haven, CT

Docket No. 03019515  
License No. 06-19909-01

During an NRC inspection conducted on May 19 & June 25, 2015, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR Part 71.5 requires, in part, that each licensee who transports licensed material outside the site of usage, as specified in the NRC license, shall comply with the applicable requirements of the Department of Transportation (DOT) regulations in 49 CFR parts 171 through 180, appropriate to the mode of transport.

49 CFR 172.704 requires, in part, that a HAZMAT employee shall receive training required by the subpart, at least once every three years.

Contrary to the above, the licensee did not ensure that a HAZMAT employee, who performed functions subject to the requirements of 49 CFR Parts 171 – 177, was trained at least once every three years. Specifically, a HAZMAT employee had not completed refresher training since July 30, 2011, a period greater than three years, and on May 18 & 19, 2015, the employee had transported portable gauges containing licensed material outside the site of usage.

This is a Severity Level IV violation (Enforcement Policy Section 6.3.d.4).

Pursuant to the provisions of 10 CFR 2.201, Materials Testing, Inc. is hereby required to submit a written statement or explanation 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). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

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 1<sup>st</sup> day of July 2015