



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

May 9, 2018

Tony Broncati  
President and Radiation Safety Officer  
Connecticut Materials Testing Lab, Inc.  
7 Lexington Avenue  
Norwalk, CT 06854

SUBJECT: CONNECTICUT MATERIALS TESTING LABORATORY, INC. - NRC  
INSPECTION NO. 030-36059/2018001, AND NOTICE OF VIOLATION

Dear Mr. Broncati:

This letter refers to the inspection conducted on March 26 & 28, 2018, at your Norwalk, CT facility, at a temporary job site location in Wallingford, CT, on March 28, 2018, and continued in-office until April 30, 2018. This inspection examined activities conducted under your license as they relate to public health and safety, and to confirm compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel. Additional information was gathered and considered during our April 30, 2018, inspection exit telephone call.

Based on the results of this inspection, the NRC has determined that three Severity Level IV violations of NRC requirements occurred. These violations were evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at (<http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>). The violations are cited in the enclosed Notice of Violation (Notice) because the violations were 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. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter 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 Web site 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.

Current NRC regulations and guidance are included on the NRC's Web Site 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 Web Site 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).

If you have any questions regarding this matter, please contact Randolph Ragland of my staff at 610-337-5083 or via electronic mail at [Randolph.Ragland@nrc.gov](mailto:Randolph.Ragland@nrc.gov).

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arthur L. Burritt', with a long horizontal flourish extending to the right.

Arthur L. Burritt, Chief  
Commercial, Industrial, R&D  
and Academic Branch  
Division of Nuclear Materials Safety  
Region I

Docket No. 030-36059  
License No. 06-30745-01

Enclosure:  
Notice of Violation

cc w/Encl: State of Connecticut

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If you have any questions regarding this matter, please contact Randolph Ragland of my staff at 610-337-5083 or via electronic mail at [Randolph.Ragland@nrc.gov](mailto:Randolph.Ragland@nrc.gov).

Thank you for your cooperation.

Sincerely,

/RA/

Arthur L. Burritt, Chief  
Commercial, Industrial, R&D  
and Academic Branch  
Division of Nuclear Materials Safety  
Region I

Docket No. 030-36059  
License No. 06-30745-01

Enclosure:  
Notice of Violation

cc w/Encl: State of Connecticut

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**SUNSI Review Complete: R. Ragland**

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OFFICE	RI:DNMS	RI:DNMS					
NAME	R. C. Ragland <i>RCD</i>	A. Burritt <i>AB</i>					
DATE	05/08/2018	5/9/18					

OFFICIAL RECORD COPY

## NOTICE OF VIOLATION

Connecticut Materials Testing Lab, Inc.  
Norwalk, CT

Docket No. 030-36059  
License No. 06-30745-01

During an NRC inspection conducted on March 26 & 28, 2018, and continued in-office until April 30, 2018, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Title 10 of the Code of Federal Regulations (CFR) Part 20.1101(c) requires licensees to periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, from 2014 – 2017, Connecticut Materials Testing Laboratories, Inc., maintained an NRC portable gauge license and did not formally review the radiation protection program content and implementation.

This is a Severity Level IV violation (Section 6.3).

- B. Title 10 CFR 71.5(a) requires that a licensee who transports licensed material outside of the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 107, 171-180 and 390-397.

Title 49 CFR 172.704(a) specifies the elements of hazmat employee training as: (1) general awareness/familiarization training, (2) function-specific training, (3) safety training; (4) security awareness training; and (5) in-depth security training, if applicable. Title 49 CFR 172.704(c)(2) requires, in part, that a hazmat employee receive initial training and recurrent training at least once every three years.

Contrary to the above, Connecticut Materials Testing Laboratories, Inc., did not provide recurrent training to hazmat employees at least once every three years. Specifically, four gauge users who transport licensed materials over public roads, last received training on 12/11/2013, 11/07/11, 02/27/2009, and 04/22/1991, all which exceeded three years.

This is a Severity Level IV violation (Section 6.8).

- C. Condition 16 of NRC license number 06-31465-01 requires each portable nuclear gauge to have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position. The gauge or its container must be locked when in transport or storage, or when not under the direct surveillance of an authorized user.

Contrary to the above on March 27, 2018, Connecticut Materials Testing Laboratories, Inc., did not have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position when the gauges were in storage. Specifically, three gauges that were secured in storage, did not have a lock on the container or source rod.

This is a Severity Level IV violation (Section 6.3).

Pursuant to the provisions of 10 CFR 2.201, Costal Materials Testing Lab, 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 for each violation: (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 9<sup>TH</sup> day of MAY 2018