



# NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION  
OFFICE OF PUBLIC AFFAIRS, REGION III

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No. III-01-041

July 24, 2001

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## **NRC STAFF PROPOSES \$3,000 FINE AGAINST MIDWEST TESTING, INC. OF MISSOURI FOR FAILING TO CONTROL LICENSED MATERIAL**

The Nuclear Regulatory Commission staff has proposed a \$3,000 fine against Midwest Testing, Inc., of Bridgeton, Missouri, for violating NRC requirements by failing to maintain control and constant surveillance of a portable moisture density gauge while it was in an unrestricted area. The gauge, which contains a radioactive source, was lost and has not been recovered.

The gauge is used to measure soil conditions at road and building construction sites.

On April 6, the company notified the NRC that a portable moisture density gauge had been left unattended, unlocked, and unsecured on a truck's tailgate for about 15 minutes. The gauge operator then drove from the job site without properly checking or securing the gauge in the truck bed. Shortly after leaving, the gauge operator noticed that the gauge was no longer in the back of the truck.

In notifying the company of the proposed fine, NRC Regional Administrator James E. Dyer noted that Midwest Testing had taken corrective actions to prevent a reoccurrence of the situation, including additional training for employees. However, he said, a newly adopted enforcement policy provides that a fine be proposed to reflect the significance of the violation and emphasize the importance of maintaining control of licensed material. The specified fines included in the enforcement policy were developed to correspond to roughly three times the cost of proper disposal.

Midwest Testing has 30 days to pay the fine or protest it. If the fine is protested and subsequently imposed by the NRC staff, the company may request a hearing.

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