

INSPECTION RECORD

Region: III

Inspection Report No. 2018001

License No. 21-35043-01

Docket No. 030-38618

Licensee: D&M Site, Inc.
P.O. Box 159
Carrollton, MI 48724-0159

Locations Inspected: 401 Balsam Street, Carrollton, Michigan

Licensee Contact: Thomas Dorey, RSO

Telephone No. 989-752-6500

Program Code: 03121 Priority: 5

Type of Inspection: () Initial (X) Routine () Announced
() Special (X) Unannounced

Last Inspection Date: 10/02/13 Date of This Inspection: 06/20/18, with in-office review through 07/09/18

Next Inspection Date: 06/20/23 (X) Normal () Reduced

Summary of Findings and Actions:

- () No violations cited, clear U.S. Nuclear Regulatory Commission (NRC) Form 591 or regional letter issued
- () Non-cited violations (NCVs)
- () Violation(s), Form 591 issued
- (X) Violation(s), regional letter issued
- () Follow-up on previous violations

Inspector: Ryan Craffey, Health Physicist

/RA/
Signature

Date 07/30/2018

Approved: Aaron T. McCraw, Chief, MIB

/RA/
Signature

Date 08/02/2018

PART I – LICENSE, INSPECTION, INCIDENT/EVENT AND ENFORCEMENT HISTORY

1. AMENDMENTS AND PROGRAM CHANGES SINCE LAST INSPECTION:

<u>AMENDMENT #</u>	<u>DATE</u>	<u>SUBJECT</u>
02	03/21/14	Removed old location of use
01	11/22/13	Added new location of use

2. INSPECTION AND ENFORCEMENT HISTORY:

The NRC conducted an initial inspection of D&M Site, Inc. on October 2, 2013. No violations were identified as a result of this inspection.

3. INCIDENT/EVENT HISTORY:

No open items or events since the last inspection.

PART II – INSPECTION DOCUMENTATION

1. ORGANIZATION AND SCOPE OF PROGRAM:

D&M Site, Inc. was authorized by NRC Materials License No. 21-35043-01 to store portable moisture density gauges containing byproduct material at its office in Carrollton, Michigan, and to use those gauges at temporary jobsites in NRC jurisdiction. At the time of the inspection, the licensee had two Troxler 3430 gauges, and two individuals (including the Radiation Safety Officer (RSO)) trained to use them.

2. SCOPE OF INSPECTION:

Inspection Procedure(s) Used: 87124

Focus Areas Evaluated: All

The inspector toured the facility in Carrollton to evaluate the licensee's measures for materials security, hazard communication, and exposure control. The licensee's staff demonstrated the implementation of licensee procedures for gauge use and transport, and discussed gauge maintenance and emergency response procedures. The inspector reviewed a selection of records including leak test results and personnel dosimetry reports. During the period of in-office review, the inspector interviewed the licensee's RSO to discuss his oversight of the radiation safety program, and reviewed additional training documentation not available at the time of the inspection.

3. INDEPENDENT AND CONFIRMATORY MEASUREMENTS:

Using a Canberra UltraRadic survey meter last calibrated on April 24, 2018, the inspector conducted independent surveys in the vicinity of the licensee's gauges in storage. The inspector found no readings that would indicate residual contamination or exposures in unrestricted areas exceeding regulatory limits.

4. VIOLATIONS, NCVs, AND OTHER SAFETY ISSUES:

A. Utilization Logs

During discussions with staff and a review of records, the inspector found that as of June 20, 2018, the licensee did not maintain utilization logs to document the use of portable gauges at temporary jobsites.

Condition 20.B of NRC Materials License No. 21-35043-01 requires, in part, that the license shall conduct its program in accordance with the statements, representations, and procedures contained in the letter dated April 1, 2013 and its enclosures.

In the enclosure to the April 1, 2013 letter, the licensee committed to implement and maintain the operating and emergency procedures in Appendix H of NUREG-1556, Vol. 1, Rev. 1, dated November 2001.

Appendix H of NUREG-1556 Vol. 1, Rev. 1 requires, in part, that the licensee sign out the gauge in a log book (that remains at the storage location) including the dates of use, names of the authorized users who will be responsible for the gauge, and the temporary job sites where the gauge will be used.

The licensee's failure to maintain a log book for signing out portable gauges is a Severity Level IV (SLIV) violation of License Condition 20.B, in accordance with Enforcement Policy Example 6.3.D.3.

The inspector determined that the root cause of the violation was a lack of understanding of licensee commitments. As corrective action, during the exit meeting on July 16, 2018, the license committed to implementing log books.

B. Program Audits

During discussions with the RSO, the inspector learned that as of June 20, 2018, the licensee had not performed a periodic audit of the radiation safety program since the license was issued on April 30, 2013.

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

The licensee's failure to review the radiation protection program at least annually is a SLIV violation of 10 CFR 20.1101(c), in accordance with Enforcement Policy Example 6.3.D.3.

The inspector determined that the root cause of the violation was a lack of understanding of regulatory requirements. As corrective action, during the exit meeting on July 16, 2018, the licensee committed to begin performing periodic audits.

C. Hazardous Materials Transportation

During discussions with staff and a review of records, the inspector learned that, as of June 20, 2018, the licensee did not maintain sufficient emergency response information while transporting its portable gauges, which contained hazardous material. Specifically, among the information required by 49 CFR 172.602(a)(1) through (7), the licensee maintained only a basic description and technical name of the hazardous material on its shipping paper.

Title 10 CFR Part 71.5(a) requires that each licensee who transports licensed material outside 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, shall comply with the applicable requirements of the DOT regulations in 49 CFR parts 107, 171 through 180, and 390 through 397, appropriate to the mode of transport.

Title 49 CFR 172.602(c)(1) requires, in part, that each carrier who transports a hazardous material shall maintain the emergency response information specified in 49 CFR 172.602(a) in the same manner as prescribed for shipping papers, with exceptions not applicable to carriage by public highway. This information must be immediately accessible drivers of motor vehicles for use in the event of incidents involving hazardous materials.

The licensee's failure to maintain emergency response information as specified in 49 CFR 172.602(a) is a SLIV violation of 10 CFR 71.5(a), in accordance with Enforcement Policy example 6.8.D.

The inspector determined that the root cause of the violation was a lack of understanding of regulatory requirements. As corrective action, during the exit meeting on July 16, 2018, the licensee committed to obtaining and maintaining the applicable emergency response information from the gauge manufacturer.

In addition, during discussions with staff and the RSO, the inspector learned that, as of June 20, 2018, the licensee's two authorized users had not taken hazardous materials transportation refresher training within the last three years, having last received this training before the license was issued on April 30, 2013.

Title 49 CFR 172.702 requires that each hazmat employer shall ensure that each hazmat employee is trained and tested, and that no hazmat employee performs any function subject to the requirements of 49 CFR Parts 171-177 unless trained, in accordance with Subpart H of 49 CFR Part 172. The terms Hazmat Employer and Hazmat Employee are defined in 49 CFR 171.8.

Title 49 CFR 172.704(c)(2) requires, in part, that a hazmat employee receive the training required by this subpart at least once every three years.

The licensee's failure to ensure that either of its hazmat employees received this training at the required frequency is a SLIV violation of 10 CFR 71.5(a), per Enforcement Policy Example 6.8.D.

The inspector determined that the root cause of the violation was an oversight. As corrective action, on July 9, 2018, both authorized users completed hazmat refresher training. In addition, during the exit meeting on July 16, 2018, the licensee committed to developing a tracking mechanism to ensure that in future this training would be completed at the appropriate frequency.

5. PERSONNEL CONTACTED:

Thomas Dorey (RSO)
Mark Dupuis
Scott Lenhart

Attended exit meeting on July 16, 2018.

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