

NRC FORM 591 M PART 1 **U.S. NUCLEAR REGULATORY COMMISSION**
 (06-2010)
 10 CFR 2.201

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED: City of Detroit, Department of Public Works City Engineering Division 12225 Southfield Freeway Detroit, MI 48228	2. NRC/REGIONAL OFFICE U.S. Nuclear Regulatory Commission, Region III 2443 Warrenville Road, Suite 210 Lisle, Illinois 60532
REPORT NUMBER(S): 10-01	

3. DOCKET NUMBER(S) 030-34061	4. LICENSEE NUMBER(S) 21-24406-02	5. DATE(S) OF INSPECTION November 10, 2010
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LICENSEE:

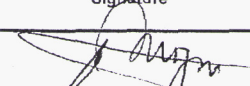
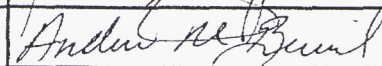
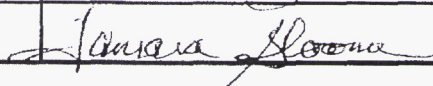
The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Nuclear Regulatory Commission (NRC) rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector. The inspection findings are as follows:

- 1. Based on the inspection findings, no violations were identified.
- 2. Previous violation(s) closed.
- 3. The violation(s), specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is being taken, and the remaining criteria in the NRC Enforcement Policy, NUREG-1600, to exercise discretion, were satisfied.
 _____ Non-cited violation(s) were discussed involving the following requirement(s):
- 4. During this inspection certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11

One violation is described in Part 2, attached

Statement of Corrective Actions

I hereby state that, within 30 days, the actions described by me to the inspector will be taken to correct the violations identified. This statement of corrective actions is made in accordance with the requirements of 10 CFR 2.201 (corrective steps already taken, corrective steps which will be taken, date when full compliance will be achieved). I understand that no further written response to NRC will be required, unless specifically requested.

Title	Printed Name	Signature	Date
LICENSEE'S REPRESENTATIVE	Eduardo Mejica		11-16-2010
NRC INSPECTOR	Andrew M. Bramnik		11/15/2010
BRANCH CHIEF	Tamara E. Bloomer		11/15/10

NRC FORM 591M PART 2 (06-2010) 10 CFR 2.201		U.S. NUCLEAR REGULATORY COMMISSION	
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(Continued from Part 1)			
<p>Title 10 of the Code of Federal Regulations (10 CFR) Part 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.</p> <p>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.</p> <p>Contrary to the above, during the period between May 19, 2009, and October 29, 2010, the licensee did not provide training for its hazmat employees as required by Subpart H to 49 CFR Part 172, and the licensee otherwise meets the definition of hazmat employer in 49 CFR 171.8. Specifically, the radiation safety officer (RSO) transported a portable gauge containing sealed sources of cesium-137 and americium-241 on approximately 30 occasions and had not completed hazmat training.</p> <p>The root cause of this violation was a lack of oversight by the RSO of the requirements in 49 CFR to complete hazmat training. As corrective actions, the RSO will complete the hazmat training course by November 30, 2010, and before transporting a portable gauge. As long-term corrective actions, the RSO will update the hazmat training requirements into a record of staff training commitments to ensure that he and other gauge operators complete the training as required. These actions will be complete by November 30, 2010.</p> <p>This is a Severity Level IV violation (Section 6.3.d.4)</p>			

Docket File Information
SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

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<p>6. INSPECTION PROCEDURES 87124</p>	<p>7. INSPECTION FOCUS AREAS 03.01 – 03.07</p>
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SUPPLEMENTAL INSPECTION INFORMATION

<p>1. PROGRAM 3121</p>	<p>2. PRIORITY 5</p>	<p>3. LICENSEE CONTACT Eduardo Mojica, RSO</p>	<p>4. TELEPHONE NUMBER 313-221-6582</p>
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Main Office Inspection Next Inspection Date: November 2015

Field Office Inspection _____

Temporary Job Site Inspection _____

PROGRAM SCOPE

The licensee is the City of Detroit, Department of Public Works, City Engineering Division. At the time of the inspection, the licensee possessed two Troxler model number 3440 portable moisture/density gauges and two Troxler model number 4640-B portable gauges at their Southfield Freeway facility. The licensee is not authorized to perform any non-routine maintenance or service activities on the gauges. As of the inspection, the two 4640-B gauges were not in service due to a low number of projects.

Performance Observations

No work at temporary job sites was available for observation at the time of the inspection. Interviews conducted with available staff revealed an adequate level of understanding of emergency and material handling procedures and techniques. All gauges were observed as adequately secured with two independent barriers to removal while in storage. The licensee demonstrated how gauges were transported while using two independent barriers, as well as how gauges were tracked by utilization logs.

Independent measurements taken did not indicate readings in excess of Title 10 Code of Federal Regulations (10 CFR) Part 20 limits in restricted or unrestricted areas. Personal whole body dosimetry was observed during the inspection, and records did not indicate doses in excess of 10 CFR Part 20 limits. The licensee possessed two radiation survey meters that performed well in side-by-side comparisons with an NRC instrument. A records review indicated that required physical inventories, leak tests, and personnel gauge safety training had been completed.

One violation of Department of Transportation (DOT) requirements was identified during this inspection for failure to ensure that the RSO completed hazmat training. Specifically, between May 19, 2009 and October 29, 2010, the RSO transported a portable gauge on 30 occasions and had not completed hazmat training as required. The violation, root cause, and corrective actions are described in Part 2, above.