

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED:

Wightman Environmental, Inc.
4050 King Drive
P.O. Box 95
Sodus, MI 49126

2. NRC/REGIONAL OFFICE

Region III
U. S. Nuclear Regulatory Commission
2443 Warrenville Road, Suite 210
Lisle, IL 60532-4352

REPORT NUMBER(S) 12-01

3. DOCKET NUMBER(S)

030-17655

4. LICENSE NUMBER(S)

21-20020-01

5. DATE(S) OF INSPECTION

April 16, 2012

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, 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 in accordance with NRC Enforcement Policy. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11.

(Violations and Corrective Actions)

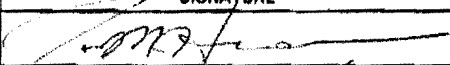


Based on the results of this inspection, one violation was identified. It is being cited because it was identified by the NRC inspector.

Title 10 of the Code of Federal Regulations (CFR) Section 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.

(Continued on 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	JOW M. HERMANN		4/27/12
NRC INSPECTOR	Andrew M. Bramnik		4/24/2012
BRANCH CHIEF	TAMARA BLOOMER		4/24/12

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED: Wightman Environmental, Inc. 4050 King Drive P.O. Box 95 Sodus, MI 49126 REPORT NUMBER(S) 12-01		2. NRC/REGIONAL OFFICE Region III U. S. Nuclear Regulatory Commission 2443 Warrenville Road, Suite 210 Lisle, IL 60532-4352	
3. DOCKET NUMBER(S) 030-17655	4. LICENSE NUMBER(S) 21-20020-01	5. DATE(S) OF INSPECTION April 16, 2012	

(Continued)

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

Contrary to the above, the licensee did not provide training for its hazmat employees, which satisfied the requirements in Subpart H to 49 CFR Part 172, in that portable gauge users had not completed recurrent training at least once every three years, and the licensee otherwise meets the definition of hazmat employer in 49 CFR 171.8. Specifically, in March 2012 a licensee staff member transported portable gauges containing sealed sources of cesium-137 and americium-241 to a vendor for calibration, and the individual had not completed recurrent training since before 2007.

The root cause of the violation was the licensee's lack of awareness of the requirements for recurrent training in 49 CFR 172. A contributing cause to the violation was the licensee's belief that an annual HAZWOPER refresher training course was sufficient to satisfy staff training requirements. As immediate corrective actions, the licensee Radiation Safety Officer (RSO) stated that no portable gauges would be transported until licensee staff had completed recurrent training. The RSO informed the inspector that all portable gauge users would complete online recurrent DOT hazmat training before May 30, 2012. As long term corrective actions, the licensee will add DOT hazmat training to a training chart for staff to complete.

This is a Severity Level IV violation (Section 6.8)

Docket File Information

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED: Wightman Environmental, Inc. 4050 King Drive P.O. Box 95 Sodus, MI 49126 REPORT NUMBER(S) 12-01	2. NRC/REGIONAL OFFICE Region III U. S. Nuclear Regulatory Commission 2443 Warrenville Road, Suite 210 Lisle, IL 60532-4352
--	---

3. DOCKET NUMBER(S) 030-17655	4. LICENSE NUMBER(S) 21-20020-01	5. DATE(S) OF INSPECTION April 16, 2012
--------------------------------------	---	--

6. INSPECTION PROCEDURES USED 87124	7. INSPECTION FOCUS AREAS 03.01 - 03.07
--	--

SUPPLEMENTAL INSPECTION INFORMATION

1. PROGRAM CODE(S) 03121	2. PRIORITY 5	3. LICENSEE CONTACT Jon M. Hermann, RSO	4. TELEPHONE NUMBER (269) 934-7707
---------------------------------	----------------------	--	---

- Main Office Inspection Next Inspection Date: 04/01/2017
 Field Office Inspection 2303 Pipestone Rd, Benton Harbor, MI
 Temporary Job Site Inspection

PROGRAM SCOPE

This was a routine inspection of an environmental testing services company that utilized portable gauges for density testing. The licensee managed their portable gauge operation from a location in Sodus, Michigan, and also stored portable gauges at the locations authorized in their NRC license. At the time of the inspection, the licensee possessed a total of 11 portable gauges under their NRC license and had authorized approximately 12 individuals to transport and operate the gauges. The licensee was not authorized to perform any non-routine maintenance or service activities on their devices. In April 2012 the licensee submitted a request to the NRC to remove two locations of use in Indiana from its license.

PERFORMANCE OBSERVATIONS

The inspector interviewed the licensee's Radiation Safety Officer in addition to available gauge users, who demonstrated an adequate level of understanding of operating and emergency procedures. The inspector observed how portable gauges were secured at the licensee's permanent storage location as well as a field office in Benton Harbor, Michigan. The licensee utilized a minimum of two independent physical controls that formed tangible barriers to secure portable gauges from unauthorized removal whenever portable gauges were not under the control and constant surveillance of the licensee. Authorized users also demonstrated how they transported the gauges using two barriers. Therefore, the previously-cited Severity Level IV violation of 10 CFR 30.34(i) is considered closed.

A records review indicated that all required leak tests were performed at appropriate intervals, and the licensee conducted physical inventories as required. Licensee personnel described how they wore personal whole body dosimetry badges when transporting and using portable gauges, and a records review indicated that the maximum annual exposure to an individual since the previous inspection was 367 millirem. Independent measurements taken at the licensee's facilities did not indicate readings in excess of limits in 10 CFR Part 20 limits in restricted or unrestricted areas. The licensee possessed a radiation survey meter that was calibrated, operational, and performed well in side-by-side comparison with an NRC survey meter.

One Severity Level IV violation was identified during this inspection, and is described in Parts 1 and 2.