



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

May 28, 2015

EN 50937
NMED No. 150184 (Closed)

Mr. James Mosier
Maintenance Planner
Carmeuse Lime, Inc.
25 Marion Avenue
River Rouge, MI 48218

**SUBJECT: NRC REACTIVE INSPECTION REPORT NO. 03036577/2015001(DNMS) AND
NOTICE OF VIOLATION – CARMEUSE LIME, INC.**

Dear Mr. Mosier:

On March 31, 2015, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted a reactive inspection at your River Rouge facility, with continued in-office review through May 5, 2015. The purpose of the inspection was to review activities performed under your NRC license to ensure that activities were being performed in accordance with NRC requirements. The purpose of the in-office review was to receive and review your written report on the event. The enclosed inspection report (Enclosure 2) presents the results of the inspection. A final exit meeting was held between Mr. Edward Kulzer of my staff and Mr. Andrew Blake by telephone on May 8, 2015, to discuss the inspection findings.

During this inspection, the NRC staff examined activities conducted under your license related to public health and safety. Additionally, the staff examined your compliance with the Commission's rules and regulations as well as 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.

Based on the results of this inspection, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation concerned the licensee's failure to notify the NRC of an event in which equipment was disabled or failed to function as designed, as required by Title 10 of the *Code of Federal Regulations* (CFR) Part 30.50(b)(2). The violation is cited in the enclosed Notice of Violation (Notice) (Enclosure 1). The NRC is citing the violation in the Notice because the inspector identified the violation.

The cause of the violation was the licensee's Radiation Safety Officer's (RSO's) incomplete understanding of the reporting requirement. The licensee restored compliance when it reported the damaged gauge to the NRC on March 28, 2015. As corrective action to prevent recurrence, the RSO reviewed the reporting requirement and committed to notifying the NRC of any future gauge failures.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in this letter and in the licensee's 30-day event response report. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website 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 publicly available without redaction.

Please feel free to contact Mr. Kulzer of my staff if you have any questions regarding this inspection. Mr. Kulzer can be reached at 630-829-9875.

Sincerely,

/RA/

Aaron T. McCraw, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-36577
License No. 21-32513-01

Enclosures:

1. Notice of Violation
2. IR 03036577/2015001(DNMS)

cc w/encls: Andrew Blake, Site Operations Manager
State of Michigan

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Please feel free to contact Mr. Kulzer of my staff if you have any questions regarding this inspection. Mr. Kulzer can be reached at 630-829-9875.

Sincerely,

/RA/

Aaron T. McCraw, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

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cc w/encls: Andrew Blake, Site Operations Manager
State of Michigan

Distribution w/encl:
See next page

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OFFICE	RIII-DNMS		RIII-DNMS				
NAME	EKulzer:ps		AMcCraw				
DATE	5/28/2015		5/28/2015				

Letter to James Mosier from Aaron T. McCraw, dated May 28, 2015.

SUBJECT: NRC REACTIVE INSPECTION REPORT NO. 03036577/2015001(DNMS) AND
NOTICE OF VIOLATION – CARMEUSE LIME, INC.

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NOTICE OF VIOLATION

Carmeuse Lime, Inc.
River Rouge, Michigan

License No. 21-32513-01
Docket No. 030-36577

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on March 31, 2015, with continued in-office review through May 5, 2015, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of the *Code of Federal Regulations* (10 CFR) Part 30.50(b)(2) requires licensees to notify the NRC within 24 hours after the discovery of an event in which equipment is disabled or fails to function as designed.

Contrary to the above, on February 19, 2015, the licensee became aware of an event in which equipment was disabled or failed to function as designed and did not notify the NRC until March 28, 2015, a period greater than 24 hours. Specifically, the licensee failed to notify the NRC in a timely manner that the shutter shielding block on a fixed Ohmart Model SH-100 gauge had broken and, therefore, could not function as designed.

This is a Severity Level IV violation (Section 6.9).

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in and in the licensee's 30-day event response report. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, IR 03036577/2015001(DNMS)" and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region III, within 30 days of the date of the letter transmitting this Notice.

Your response will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website 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 publicly available without redaction.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated this 28th day of May 2015.

**U.S. Nuclear Regulatory Commission
Region III**

Docket No. 030-36577

License No. 21-32513-01

Report No. 03036577/2015001(DNMS)

NMED No. 150184

Licensee: Carmeuse Lime, Inc.

Facility: 25 Marion Avenue
River Rouge, Michigan 48218

Inspection Date: March 31, 2015, with continued in-office
review through May 5, 2015

Exit Meeting Date: May 8, 2015

Inspector: Edward Kulzer, Health Physicist

Approved By: Aaron T. McCraw, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

EXECUTIVE SUMMARY

Carmeuse Lime, Inc. NRC Inspection Report 3036577/2015001DNMS)

On March 31, 2015, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted an onsite reactive inspection in response to a reported broken shutter shielding block on an Ohmart Model SH-100 gauge, containing approximately 100 millicuries (mCi) cesium-137 (Cs-137) (Event Number 50937). On March 28, 2015, Carmeuse Lime Inc. notified the NRC of the broken shutter shielding block on an Ohmart/Vega gauge that was discovered on February 19, 2015, during a routine shutter check. The inspector determined that no individuals received radiation doses in excess of regulatory limits as a result of the damaged gauge. The inspector confirmed that appropriate safety measures were in place to prevent unnecessary exposures until the gauge can be replaced.

As a result of the inspection, the inspector identified a violation of Title 10 of the *Code of Federal Regulations* (CFR) 30.50.(b)(2) for failure to notify the NRC within 24 hours after discovery of any equipment which is disabled or failed to function as designed.

The licensee reported that the gauge manufacturer was notified and that the damaged gauge would remain in place until operations involving the gauge could be shut down and the gauge replaced. The licensee reported that the shutter normally remained in the open position during plant operations and that no employee was exposed to the damaged gauge. The NRC inspector confirmed this during his inspection.

The cause of the violation was the licensee's Radiation Safety Officer's (RSO's) incomplete understanding of the reporting requirement. The licensee restored compliance when it reported the damaged gauge to the NRC on March 28, 2015. As corrective action to prevent recurrence, the RSO reviewed the reporting requirement and committed to notifying the NRC of any future gauge failures.

REPORT DETAILS

1 Program Overview

Carmeuse Lime, Inc. is authorized to possess two Ohmart Model SH-100 fixed gauges. The licensee has possessed these gauges since 1964 and uses the gauges as level detectors for its two lime kilns.

2 Damaged Gauge Event

2.1 Inspection Scope

On March 31, 2015, the inspector conducted a reactive inspection and reviewed the events that surrounded the licensee's report of gauge together with licensee's actions taken to investigate the broken shielding on the gauge shutter.

2.2 Event Chronology, Observations, and Findings

The licensee found the shutter shielding block broken during a regularly scheduled shutter check on February 19, 2015. On March 26, the gauge manufacturer arrived to evaluate and repair the gauge. The manufacturer surveyed the area around the gauge. Survey readings were as expected for an operating gauge. The manufacturer determined that the gauge could not be repaired in place; the gauge would need to be removed from service and returned to the manufacturer for repair. Due to the age of the gauge, the licensee decided the damaged gauge should be replaced with a newer model. The licensee is in the process of requesting an amendment to their NRC license to include the new replacement model gauge. If approved, the upgraded gauge will be installed by the manufacturer in the next three months during the next kiln shutdown.

The licensee normally operates the gauge with the shutter in the open position. The beam from the gauge is directed into the kiln and, therefore, no employee is exposed to the direct beam during normal operations. The inspector surveyed the area around the gauge and found radiation levels were as expected for an operating gauge. The inspector determined that no individuals received radiation doses in excess of regulatory limits as a result of the damaged gauge. The inspector confirmed that appropriate safety measures were in place to prevent unnecessary exposures until the gauge can be replaced.

2.3 Conclusions

The inspector identified no issues with the licensee's response to the event.

3 Reporting the Event

3.1 Inspection Scope

The inspector reviewed Event Notification 50937 and the licensee's letter dated May 1, 2015, regarding the licensee's notification to the NRC of the damaged gauge event pursuant to 10 CFR 30.50.

3.2 Observations and Findings

Title 10 CFR 30.50(b)(2) requires, in part, that each licensee notify the NRC Operations Center by telephone within 24 hours after the discovery of events involving licensed material when equipment is disabled or fails to function as designed when: (1) the equipment is required by regulation or license condition to prevent releases exceeding regulatory limits, to prevent exposures to radiation and radioactive materials exceeding regulatory limits, or to mitigate the consequences of an accident; (2) the equipment is required to be available and operable when it is disabled or fails to function; and (3) no redundant equipment is available and operable to perform the required safety function. The inspector determined that the licensee identified the broken shielding block and had sufficient information to discover the reportable event on February 19, 2015. The licensee did not report the event to the NRC Headquarters Operations Center until March 28, 2015, a period of greater than 24 hours after discovery of the event. The inspector identified the licensee's failure to report the event to the NRC Headquarters Operations Center in a timely manner a violation of 10 CFR 30.50(b)(2). The cause of the violation was the RSO's incomplete understanding of the reporting requirement. The licensee restored compliance when it reported the damaged gauge to the NRC on March 28, 2015. As corrective action to prevent recurrence, the RSO reviewed the reporting requirement and committed to notifying the NRC of any future gauge failures.

Title 10 CFR 30.50(c)(2) requires, in part, that each licensee who makes a report required by paragraph (a) or (b) of 10 CFR 30.50 shall submit a written followup report to the NRC within 30 days of the initial report. The licensee's written followup report to the NRC was dated May 1, 2015, more than 30 days later than the licensee's March 28, 2015, initial report. As such, the inspector identified a minor violation of 10 CFR 30.50(c)(2) involving licensee failure to submit the followup report to the NRC within 30 days of the initial report. The cause of the violation was the RSO's incomplete understanding of the requirement. The licensee restored compliance when it submitted its written followup report to the NRC on May 1, 2015. As corrective action to prevent recurrence, the RSO reviewed the reporting requirement and committed to providing written followup reports in a timely manner following initial reporting of an event.

3.3 Conclusions

The inspector identified a cited violation of 10 CFR 30.50(b)(2) for the licensee's failure to notify the NRC of the event within 24 hours of the discovery of the damaged gauge. The inspector also identified a minor violation of 10 CFR 30.50(c)(2) for the licensee's failure to submit the written followup report to the event within 30 days of initial reporting of the event.

4 Exit Meeting Summary

The NRC inspector presented preliminary inspection findings following the onsite inspection on March 31, 2015, and presented the final inspection findings during a telephone exit meeting on May 8, 2015. The licensee did not identify any documents or processes reviewed by the inspectors as proprietary. The licensee acknowledged the findings presented.

LIST OF PERSONNEL CONTACTED

James Mosier, Maintenance Planner
Andrew Blake, Site Operations Manager

Participated in telephone exit meeting on May 8, 2015

INSPECTION PROCEDURES (IP) USED

IP 87103: Inspection of Material Licensees Involved in an Incident or Bankruptcy Filing

IP 87124: Fixed and Portable Gauge Programs