



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

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

November 23, 2015

EA-15-157

Ms. Elizabeth Taylor
Corporate Radiation Safety Officer
CTI and Associates, Inc.
51331 W. Pontiac Trail
Wixom, MI 48393

**SUBJECT: NOTICE OF VIOLATION – CTI AND ASSOCIATES, INC.; NRC SPECIAL
INSPECTION REPORT NO. 03012040/2015001(DNMS)**

Dear Ms. Taylor:

This letter refers to the special inspection conducted at your temporary jobsite at the Detroit Metro Airport in Romulus, Michigan on July 23, 2015. The purpose of the inspection was to review activities performed under your U.S. Nuclear Regulatory Commission (NRC) license to ensure that activities were being performed in accordance with NRC requirements. During the inspection, an apparent violation of NRC requirements was identified. The significance of the issue and the need for lasting and effective corrective actions were discussed with your staff during the telephonic exit meeting held on August 25, 2015. Details regarding the apparent violation were provided in NRC Inspection Report No. 03012040/2015001(DNMS) dated September 15, 2015.

In the letter transmitting the inspection report, we provided you with the opportunity to address the apparent violation identified in the report by either attending a predecisional enforcement conference or by providing a written response before we made our final enforcement decision. In a letter dated October 14, 2015, you provided a written response to the apparent violation.

Based on the information developed during the inspection and the information that you provided in your response dated October 14, 2015, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the subject inspection report.

Specifically, the inspector found that the licensee had left one gauge, which was not in use at the time of the inspection, inside an unlocked shipping container in the parking lot of the temporary jobsite, accessible to members of the public during business hours. The gauge was stored in a locked transportation case, but the case itself was not secured within the shipping container in any way. When the inspector arrived on site, there were no licensee personnel providing control or surveillance of the gauge. The root cause of the violation was a lack of full understanding of NRC's security requirements for portable gauges when not in the licensee's

direct control or under constant surveillance. This is of significant concern to the NRC because it increases the chance for the gauges to be lost, stolen, or improperly handled and controlled which could result in adverse impacts to the health and safety of the general public. Therefore, this violation has been categorized, in accordance with the NRC Enforcement Policy, at Severity Level III.

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$3,500 is considered for a Severity Level III violation.

Because your facility has not been the subject of escalated enforcement actions within the last two inspections, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy. The NRC considered the information provided in the inspection report and in your October 14, 2015, letter. Your staff's immediate corrective actions to restore compliance included the gauge user securing the gauge's case to the shipping container using the lock and chain he had taken with him that morning, as well as the chain and lock from a vehicle, and convincing the contractor to allow him to lock the shipping container's doors. As long-term corrective actions, you stated in your October 14, 2015, letter, that you will provide extra chains and steel cables at the jobsite to ensure chains or cables remain with the stored gauges regardless of the number of gauges in use. You also described the requisition and use of two construction trailers solely for use by CTI that remain locked when gauges are being stored inside. Additionally, CTI held a special meeting on August 6, 2015, to discuss the apparent violation, and gauge safety measures were reviewed to ensure employee safety and compliance with CTI's NRC Materials License No. 21-17007-01 by all certified gauge operators. A "Nuclear Density Gauge Safety" handout was also provided to all employees as a reference to what was discussed at the meeting. On the basis of these corrective actions, the NRC determined that *Corrective Action* credit was warranted.

Therefore, to encourage prompt and comprehensive correction of violations, and in recognition of the absence of previous escalated enforcement action, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty. In addition, issuance of this Severity Level III violation constitutes escalated enforcement action that may subject you to increased inspection effort.

The NRC has concluded that information regarding: (1) the reason for the violation; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in the inspection report and in your letter dated October 14, 2015. Therefore, you are not required to respond to this letter unless the description therein 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.

E. Taylor

-3-

In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390, of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and any response you provide will be made available electronically for public inspection in the NRC's Public Document Room or in the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

/RA/

Cynthia D. Pederson
Regional Administrator

Docket No. 030-12040
License No. 21-17007-01

Enclosure:
Notice of Violation

cc: State of Michigan

NOTICE OF VIOLATION

CTI and Associates, Inc.
Romulus, Michigan

Docket No. 03012040
License No. 21-17007-01
EA-15-157

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on July 23, 2015, a 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) Section 20.1801 requires that the licensee secure from unauthorized removal or access licensed materials that are stored in controlled or unrestricted areas.

Title 10 CFR 30.34(i) requires that each portable gauge licensee use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.

Contrary to the above, on July 23, 2015, the licensee failed to secure from unauthorized removal or access licensed materials that were stored in controlled or unrestricted areas, and failed to use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal when the portable gauges were not under the control and constant surveillance of the licensee. Specifically, the inspector found that the licensee had left one gauge, which was not in use at the time of the inspection, inside an unlocked shipping container in the parking lot of the temporary jobsite, accessible to members of the public during business hours.

This is a Severity Level III violation (Sections 6.3 and 6.7).

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 Inspection Report No. 03012040/2015001(DNMS) dated September 15, 2015, and your response dated October 14, 2015. 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, EA-15-157," 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 of Violation (Notice).

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, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Enclosure

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

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

Dated this 23rd day of November, 2015.

E. Taylor

-3-

In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390, of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and any response you provide will be made available electronically for public inspection in the NRC's Public Document Room or in the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

/RA/

Cynthia D. Pederson
Regional Administrator

Docket No. 030-12040
License No. 21-17007-01

Enclosure:
Notice of Violation

cc: State of Michigan

DISTRIBUTION:

Victor McCree
Glenn Tracy
Patricia Holahan
John Wray
Kerstun Norman
Cynthia Pederson
Darrell Roberts
Catherine Scott
Brian Holian
Pamela Henderson
Michele Burgess
Brice Bickett

David Gamberoni
Vivian Campbell
Holly Harrington
Hubert Bell
Cheryl McCrary
David D'Abate
John Giessner
Aaron McCraw
MIB Inspectors
Richard Skokowski
Allan Barker
Harral Logaras

James Lynch
Viktoria Mitlyng
Prema Chandrathil
Kenneth Lambert
Paul Pelke
Magdalena Gryglak
Sarah Bakhsh
Jim Clay
Carmen Olteanu
RidsOemailCenter
OEWEB Resource
RidsSecyMailCenter
OCADistribution

ADAMS Accession Number ML15334A503

OFFICE	RIII	RIII	RIII	D:OE	RIII	RIII
NAME	Bakhsh KJL for	McCraw	Giessner	Holahan ¹	Skokowski	Pederson
DATE	11/05/15	11/06/15	11/06/15	11/13/15	11/18/15	11/23/15

OFFICIAL RECORD COPY

¹OE concurrence provided by e-mail from K. Norman on November 13, 2015.