



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PA 19406-2713

March 31, 2016

Docket No. 03038213

License No. 28-31397-01

John Turner
President/Radiation Safety Officer
John Turner Consulting, Inc.
19 Dover Street
Dover, NH 03820

**SUBJECT: NRC INSPECTION REPORT NO. 03038213/2015001, JOHN TURNER
CONSULTING, INC., DOVER, NEW HAMPSHIRE SITE AND NOTICE OF
VIOLATION**

Dear Mr. Turner:

On December 21, 2015, Steven Courtemanche of this office conducted a safety inspection at the above address with continuing in-office review through March 15, 2016. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The on-site inspection consisted of observations by the inspector, interviews with personnel, and a selective examination of representative records. During telephone conversations on March 8 and 10, 2016, Mr. Courtemanche and Jestin LeClair of your office discussed the physical inventory requirements for NRC-regulated activities as stated in License Condition Number 19. On March 14, 2016, Mr. LeClair sent an e-mail concerning the dates when physical inventories were conducted in the Worcester, MA field office. The findings of the inspection were discussed with Mr. LeClair at the conclusion of the inspection.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation involved the failure to complete the gauge utilization log when removing or returning portable gauges from/to the gauge storage area (License Condition 20).

The violation is cited in the enclosed Notice of Violation (Notice), because the violation was identified by the NRC.

During our inspection exit meeting on March 15, 2016, Mr. LeClair indicated that John Turner Consulting, Inc. is committed to radiation safety and to compliance with NRC regulations and licensed conditions. Further, you stated verbally that you have taken, or will take, the following corrective and preventative actions:

- 1) Personnel responsible for completing the gauge utilization log will receive additional training in the requirements, and
- 2) Additional management will review the gauge utilization logs to ensure they are complete.

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 Public Document Room or from the NRC document system (ADAMS), accessible from the NRC 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 available to the Public without redaction.

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

Please contact Steven Courtemanche at 610-337-5075 if you have any questions regarding this matter.

Sincerely,

/RA/

Christopher G. Cahill, Acting Chief
Commercial, Industrial, R&D and
Academic Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc w/Enclosure: State of New Hampshire

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 Public Document Room or from the NRC document system (ADAMS), accessible from the NRC 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 available to the Public without redaction.

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

Please contact Steven Courtemanche at 610-337-5075 if you have any questions regarding this matter.

Sincerely,

/RA/

Christopher G. Cahill, Acting Chief
Commercial, Industrial, R&D and
Academic Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc w/Enclosure: State of New Hampshire

DISTRIBUTION:
B. Bickett, RI

DOCUMENT NAME: G:\WordDocs\Current\Insp Letter\L28-31397-01.2015001.doc

SUNSI Review Complete: SCourtemanche

ML16092A280

After declaring this document "An Official Agency Record" it **will** be released to the Public.

To receive a copy of this document, indicate in the box: "C" = Copy w/o attach/encl "E" = Copy w/ attach/encl "N" = No copy

OFFICE	DNMS/RI	N	DNMS/RI				
NAME	SCourtemanche/src		CCahill/cc				
DATE	3/23/16		3/31/16				

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

John Turner Consulting, Inc.
Dover, NH

Docket No. 03038213
License No. 28-31397-01

During an NRC inspection conducted on December 21, 2015, with continuing in-office review through March 15, 2016, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Condition 20 of NRC License No. 28-31397-01 requires, in part, except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the application dated January 13, 2010.

Item 10, "Radiation Safety Program – Operating and Emergency Procedures" of the application dated January 13, 2010, requires, in part, that the licensee implement and maintain the operating and emergency procedures in Appendix H of NUREG-1556, Volume 1, Revision 1, dated November 2001.

Appendix H of NUREG-1556, Volume 1, Revision 1, dated November 2001 requires, in part, that portable gauges be signed out when portable gauges are removed from storage and when portable gauges are returned to storage on the gauge utilization log.

Contrary to the above, as of December 21, 2015, portable gauges were not signed out when portable gauges were removed from storage and when portable gauges were returned to storage on the gauge utilization log. Specifically, portable gauges were used on the following dates in NRC jurisdiction and the gauge utilization log was not completed: November 8, 2012; August 6, 2013; May 28 and 29, 2014; June 29, 2015; September 17 and 24, 2015; November 11, 2015; and December 1, 2015.

This is a Severity Level IV violation (Enforcement Policy Section 6.3(d)(3)).

Pursuant to the provisions of 10 CFR 2.201, John Turner Consulting, Inc. is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

Notice of Violation

2

John Turner Consulting, Inc.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction.

However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

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

Dated This 31st day of March 2016