



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

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

August 22, 2016

Mr. Kenneth David Key, Sr.
Radiation Safety Officer
Testing & Inspections Services, Inc.
402 E. 13 Street
Suite 104
Jasper, IN 47546

**SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03038354/2016001 (DNMS) AND
NOTICE OF VIOLATION – TESTING & INSPECTIONS SERVICES, INC**

Dear Mr. Key:

On June 16, 2016, with in-office review until July 27, 2016, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection at your facility in Jasper, Indiana. 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 in-office review included evaluation of your move to the current office location. Mr. Luis Nieves of my staff conducted a final exit meeting by telephone with you on July 27, 2016, 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 three Severity Level IV violations of NRC requirements occurred. These violations were 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 violations concerned the licensee's failure to: (1) perform leak tests in accordance with the statements, representations, and procedures for sealed sources in the certificate of registration, as required by License Condition 13.A of your NRC license; (2) confine the possession and use of the byproduct material to the locations authorized in the license; and (3) periodically (at least annually) review the radiation protection program content and implementation.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The guidance in NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective

K. Key

-2-

Action,” may be useful in preparing your response. You can find the Information Notice on the NRC’s website at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements. In accordance with Title 10 of the of *Code Federal Regulations* (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. Nieves of my staff if you have any questions regarding this inspection. Mr. Nieves can be reached at 630-829-9571.

Sincerely,

/RA Geoffrey Warren Acting for/

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

Docket No. 030-38354
License No. 13-32808-01

Enclosure:
Notice of Violation

cc w/encl: State of Indiana

K. Key

-2-

Action,” may be useful in preparing your response. You can find the Information Notice on the NRC’s website at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements. In accordance with Title 10 of the of *Code Federal Regulations* (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. Nieves of my staff if you have any questions regarding this inspection. Mr. Nieves can be reached at 630-829-9571.

Sincerely,

/RA Geoffrey Warren Acting for/

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

Docket No. 030-38354
 License No. 13-32808-01

Enclosure:
 Notice of Violation

cc w/encl: State of Indiana

DISTRIBUTION w/encl:

Darrell Roberts
 John Giessner
 Christine Lipa
 Richard Skokowski
 Carole Ariano
 Paul Pelke
 MIB Inspectors

ADAMS Accession Number: ML16237A387

Publicly Available Non-Publicly Available Sensitive Non-Sensitive

To receive a copy of this document, indicate in the concurrence box "C" = Copy without attach/encl "E" = Copy with attach/encl "N" = No copy

OFFICE	RIII-DNMS		RIII-DNMS		RIII		RIII	
NAME	LNieves:ps		AMcCraw GWarren for					
DATE	8/22/2016		8/22/2016					

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Testing & Inspection Services, Inc.
Jasper, Indiana

License No. 13-32808-01
Docket No. 030-38354

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on June 16, 2016, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Condition 13.A of NRC Materials License 13-32808-01 states that sealed sources shall be tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by NRC under Title 10 of the *Code of Federal Regulations* (CFR), Section 32.210 or by an Agreement State.

The certificate of registration, issued by the NRC, states that for a Seaman C-300 density moisture gauge the leak test frequency is 6 months.

Contrary to the above, on several occasions including from January 2012 to November 2013 and November 2013 to August 2015, the licensee failed to perform leak tests on their Seaman C-300 nuclear gauge, exceeding the 6 month interval stipulated in the certificate of registration.

This is a Severity Level IV violation (Section 6.3).

- B. Title 10 CFR 30.34(c), requires that each person licensed by the Commission pursuant to the regulations in Part 30 and Parts 31 through 36 and 39 shall confine his possession and use of the byproduct material to the locations and purposes authorized in the license.

Contrary to the above, from August 3, 2015, to October 7, 2015, the licensee failed to confine his possession and use of the byproduct material to the locations authorized in the license. Specifically, the licensee stored licensed material at 402 E. 13th Street, Jasper, Indiana, but was not authorized to store material at this address.

This is a Severity Level IV violation (Section 6.3).

- C. Title 10 CFR 20.1101(c) requires that the licensee shall periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, as of June 16, 2016, the licensee did not periodically (at least annually) review the radiation protection program content and implementation.

This is a Severity Level IV violation (Section 6.3).

Pursuant to the provisions of CFR 2.201 Testing and Inspection Services Inc. is hereby required to submit a written statement or explanation 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). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include: (1) the reason for the violation, or, if contested, the basis for disputing the

Enclosure

violation or its severity level; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken; and (4) the date when full compliance will be achieved. Your response may reference or include previously 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.

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>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public 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 22nd day of August, 2016.