



September 30, 2016

Mr. Aaron McCraw, Chief  
Materials Inspection Branch  
U. S. Nuclear Regulatory Commission, Region III  
2443 Warrenville Road  
Suite 210  
Lisle, IL 60532-4352

Re: Reply to a Notice of Violation

Dear Mr. McCraw,

In accordance with the requirements of CFR 2.201, DTE Energy submits this report regarding NRC Routine Inspection Report No. 03008659/2016001 (DNMS) and Notice of Violation. DTE Energy acknowledges issuance of the Notice of Violation and does not contest the violation. DTE Energy has taken interim corrective actions and will perform additional corrective actions that are expected to be complete by January 27, 2017. Please reference License No. 21-02335-08 and Docket No. 030-08659.

Description of Violation

On July 13, 2016 an inspector from the U.S. Nuclear Regulatory Commission conducted a routine inspection of our Warren Service Center facility in Detroit, Michigan. DTE Energy possesses four Troxler moisture/density nuclear gauges containing either Am-241 or both Am-241 and Cs-137 sealed sources with typical initial assay quantities of 40 mCi Am-241 and 8 mCi Cs-137. The purpose of the inspection was to review activities performed under our NRC license to ensure that activities were being performed in accordance with NRC requirements. The inspection resulted in a Severity Level IV violation of NRC requirements, specifically, DTE Energy failed to notify the NRC in writing within 60 days after no principal activities had been conducted under the license for a period of 24 months, as required by Title 10 of the Code of Federal Regulations (CFR) Part 30.36.

Description of Cause

The DTE Energy Radiation Safety Officer (RSO) was aware that requirements existed to notify the NRC when the licensee has determined to permanently cease principal license activities or when no principal activities have been performed for a period of time. DTE Energy had not made a determination of ceasing activities. DTE Energy was maintaining the ability to use the Troxler gauges when needed. However, DTE Energy has not removed the gauges from storage and used them for a period of approximately four years. The DTE Energy RSO held an incorrect

mental model of the allowed time period of non-use, mistakenly believing the period was five years. A review of 10CFR30.36 would have uncovered the appropriate time frame of 24 months.

#### Planned Disposition, or Probable Disposition, of the Licensed Material Involved

Upon receipt of the Notice of Violation, DTE Energy has determined that they will cease activities using the Troxler nuclear gauges possessed under the above referenced license. DTE Energy will seek to sell, transfer to another authorized licensee or dispose of the Troxler nuclear gauges. DTE Energy expects to complete the appropriate sell, transfer or disposal option by December 16, 2016. Until such time DTE completes the appropriate activity, the DTE Energy RSO will perform quarterly visual inspections of the gauges and storage area and semi-annual leak tests of the gauges.

#### Corrective Actions Taken

DTE Energy has performed the following corrective actions:

- The Troxler nuclear gauge operating mechanisms are locked closed, the gauges are within locked closed containers which are stored in a locked and secured room at the DTE Energy Warren Service Center complex. The Warren Service Center complex is in a secure, fenced area monitored 24 hours/day by security personnel and requires card-key access.
- Leak Checks have been performed on a semi-annual basis with no leakage identified. Semi-annual leak checks will continue to be performed until the gauges are transferred or disposed.
- DTE Energy is performing quarterly visual inspections of the Troxler gauges.
- DTE Energy maintains five Materials Licenses in addition to the Material License for the Warren Service Center. The DTE Energy RSO has issued expectations, via email and memorandum, directing all DTE Energy designated Radiation Safety Coordinators (RSC - a DTE Energy administratively required supervisory position) and Authorized Users (AU - personnel who have completed applicable training and are authorized per NRC Materials Licenses possessed by DTE Energy) to immediately notify the RSO upon determination to no longer use nuclear gauges. This will allow the RSO to make timely notification to the NRC.

#### Corrective Actions Planned

DTE Energy has planned the following corrective actions:

- Revise the corporate radiation safety order (procedure) to specify requirements for personnel (RSC/AU) to notify the RSO when nuclear gauges will no longer be used, and for the RSO to verify use/non-use during annual program audits. This procedure change is expected to be complete and issued to the corporation by January 27, 2017.
- Sell, transfer to another authorized licensee or dispose of the Troxler gauges. This action is expected to be complete by December 16, 2016.

If you have any questions or require additional information, please contact me at 734-586-5146.

Sincerely,

Robert J. Tozzie /s/  
Radiation Safety Officer  
DTE Energy  
EF2 110 AIB  
6400 N. Dixie Highway  
Newport, MI 48166-9726