

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED: DLZ Indiana, LLC 316 Tech Drive Burns Harbor, IN 46304 REPORT NUMBER(S) 2017-001	2. NRC/REGIONAL OFFICE Region III U. S. Nuclear Regulatory Commission 2443 Warrenville Road, Suite 210 Lisle, IL 60532-4352
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3. DOCKET NUMBER(S) 030-18100- 030-18110	4. LICENSE NUMBER(S) 13-20218-01	5. DATE(S) OF INSPECTION 02/28/2017
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LICENSEE:
 The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Nuclear Regulatory Commission (NRC) rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector. The inspection findings are as follows:

1. Based on the inspection findings, no violations were identified.

2. Previous violation(s) closed.

3. The violation(s), specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is being taken, and the remaining criteria in the NRC Enforcement Policy, to exercise discretion, were satisfied.

_____ Non-cited violation(s) were discussed involving the following requirement(s):

4. During this inspection, certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited in accordance with NRC Enforcement Policy. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11.
 (Violations and Corrective Actions)

Contrary to Title 10 of the Code of Federal Regulations (CFR) 71.5 and 49 CFR 172.702, as of February 28, 2017, the licensee failed to provide recurrent training, as required by 49 CFR 172.704(c), for its hazmat employees that satisfied the requirements in Subpart H to 49 CFR 171.8. Specifically, eight gauge users had not been provided recurrent ^{hazmat} training ~~during that period~~ since the time of initial training, and as of this date, all have exceeded the recurrent hazmat training of every three years, as required by 49 CFR 172.704(c)(2).

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Statement of Corrective Actions

I hereby state that, within 30 days, the actions described by me to the Inspector will be taken to correct the violations identified. This statement of corrective actions is made in accordance with the requirements of 10 CFR 2.201 (corrective steps already taken, corrective steps which will be taken, date when full compliance will be achieved). I understand that no further written response to NRC will be required, unless specifically requested.

TITLE	PRINTED NAME	SIGNATURE	DATE
LICENSEE'S REPRESENTATIVE	Kurt Schmigel	<i>[Signature]</i>	2/28/2017
NRC INSPECTOR	Dennis P. O'Dowd	<i>[Signature]</i>	02/28/17
BRANCH CHIEF	Aaron T. McCraw	<i>[Signature]</i>	3/15/17

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4.

The cause of the violation was the licensee was not aware of the requirement. As corrective action, the licensee has committed to ensuring that all gauge users will complete the required recurrent hazmat training within 30 days of the date of this report, and the licensee is fully aware of the requirement to provide hazmat training every three years, and will maintain a hazmat training log for gauge users.

Docket File Information

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<p>6. INSPECTION PROCEDURES USED</p> <p>IP 87124</p>	<p>7. INSPECTION FOCUS AREAS</p> <p>03.01-03.07</p>
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SUPPLEMENTAL INSPECTION INFORMATION

<p>1. PROGRAM CODE(S)</p> <p>03121</p>	<p>2. PRIORITY</p> <p>5</p>	<p>3. LICENSEE CONTACT</p> <p>Thomas Dobrowski, RSO</p>	<p>4. TELEPHONE NUMBER</p> <p>(219) 764-4700</p>
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Main Office Inspection Next Inspection Date: 02/28/2022

Field Office Inspection South Bend, IN Office (on 03/02/2017)

Temporary Job Site Inspection

PROGRAM SCOPE

This was a routine, unannounced inspection of an engineering firm authorized to use portable moisture-density gauges containing byproduct material at its facilities in Burns Harbor, Indiana, South Bend, Indiana, Indianapolis, Indiana, Fort Wayne, Indiana, and at temporary job sites within NRC jurisdiction. DLZ Indiana employed 650 individuals company-wide, 85 of whom work at the Burns Harbor office. The licensee possessed 14 gauges for use daily/weekly during the construction season (March-November) for soils engineering projects. The licensee had 8 authorized gauge users who had completed manufacturer's training. Devices were stored in a secure, caged area in the licensee's facility in Burns Harbor, Indiana. The Burns Harbor location is the main office with respect to radiation safety oversight of licensed gauges. This inspection was limited to review of activities at the Burns Harbor location and the South Bend office.

Performance Observations

The inspector toured the licensee's facilities in Burns Harbor and in South Bend. At the time of the inspection, no activities were taking place at temporary job sites and all gauges possessed under the license were in storage at the Burns Harbor facility. Gauges in storage were adequately secured by at least two independent physical controls. Although no gauges were in storage at the South Bend facility at the time of inspection, the inspector toured the storage facility and determined that storage was adequate, and met the two-barrier rule. Licensee staff at the main office in Burns Harbor demonstrated gauge storage during transportation and in the field that indicated that gauges were adequately stored and met the two barrier rule. Independent and confirmatory surveys of unrestricted areas found no readings in excess of public dose limits. Licensee staff described satisfactory methods for gauge use, maintenance, leak testing, and emergency response. Through this and other discussions, the inspector found that licensee staff were knowledgeable of radiation protection principles and NRC requirements. The licensee did not perform any service or maintenance activities on its gauges; these services were performed by the manufacturer. The inspector reviewed a selection of licensee records, including use logs, leak test results, training certificates and dosimetry reports.

During the inspection, the inspector identified a violation of 10 CFR 71.5 and 49 CFR 172, in that the employer had not provided recurrent DOT hazmat training to gauge users within the past three years. The violation and the licensee's corrective actions are described in Parts 1 & 2. The licensee committed to completing the DOT hazmat training for all staff within two weeks. The inspector determined that the root cause of the violation was a lack of understanding of the regulatory requirement.

O'Dowd, Dennis

From: O'Dowd, Dennis
Sent: Wednesday, March 15, 2017 12:52 PM
To: 'tdobrowski@dlz.com'
Subject: NRC Form 591M, "Safety Inspection Report and Compliance Record," dated 02/28/2017, issued to DLZ Industrial, LLC, License No. 13-20218-01
Attachments: C_13-20218-01_NRC 591M_CorrectedCopy.pdf

Dear Mr. Dobrowski:

Please find attached the corrected copy of NRC Form 591M, "Safety Inspection Report and Compliance Record," dated 02/28/2017, issued to DLZ Industrial, LLC (License No. 13-20218-01). This copy reflects the correct Docket Number assigned to you. You are requested to disregard and destroy the NRC Form 591M that was provided to you on the date of the inspection, and replace it with this corrected version.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Thank you for your cooperation in this matter.

Dennis P. O'Dowd

Health Physicist
Materials Inspection Branch
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