

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED: Lawson-Fisher Associates, P.C. 525 West Washington Avenue South Bend, IN 46601 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	
3. DOCKET NUMBER(S) 030-34487	4. LICENSE NUMBER(S) 13-32007-01	5. DATE(S) OF INSPECTION March 2-3, 2017	

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.

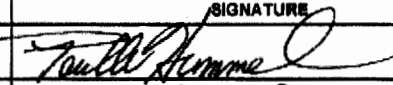
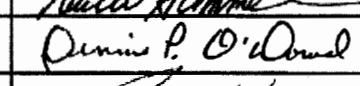
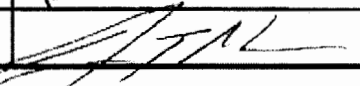
(Violations and Corrective Actions)

Contrary to Condition 13.A of NRC Materials License No. 13-32007-01, between September 29, 2014, and April 4, 2016, the licensee failed to test sealed sources of Cs-137 and Am-241 for leakage and/or contamination at intervals not to exceed 12 months, as specified in certificate NC-646-D-130-S of the Sealed Source and Device Registry.

The inspector determined that the root cause of the violation was an oversight by the Radiation Safety Officer (RSO). As a contributing factor, the RSO had been assigned to a long-term project at an off-site location at that time. As corrective action, on March 3, 2017, the licensee collected leak test samples from both sources in the gauge and sent these to the manufacturer/leak test provider for analysis. In order to prevent recurrence of the violation, on March 3, 2017, the licensee's RSO, in coordination with the licensee's office manager, set up a schedule in the main office calendar for future annual leak tests of the gauge.

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	Paul A. Hummel, P.E.		3/20/17
NRC INSPECTOR	Dennis P. O'Dowd		03/17/17
BRANCH CHIEF	Aaron T. McCraw		3/17/17

Docket File Information

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6. INSPECTION PROCEDURES USED 87124	7. INSPECTION FOCUS AREAS 03.01-03.07
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SUPPLEMENTAL INSPECTION INFORMATION

1. PROGRAM CODE(S) 03121	2. PRIORITY 5	3. LICENSEE CONTACT Donald R. Dietz, RSO	4. TELEPHONE NUMBER (574) 234-3167
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Main Office Inspection Next Inspection Date: March 2, 2022

Field Office Inspection _____

Temporary Job Site Inspection _____

PROGRAM SCOPE

This was a routine, unannounced inspection of an engineering company authorized to possess Cs-137 and Am-241:Be in Troxler Model 3400 series portable moisture-density gauging devices at its facility in South Bend, Indiana, and at temporary job sites anywhere in the United States where the NRC maintains regulatory jurisdiction. At the time of the inspection, the licensee possessed one gauge (the license authorized the possession and use of up to five gauges). The gauge had not been used since April 4, 2016. During the period since the last inspection up until the last date of use, the gauge was used on construction projects in the vicinity of South Bend, Indiana, and was not transported to other states. The licensee had a total of seven authorized gauge users with training certificates maintained by the RSO. At the time of the inspection and since April 2016, the gauge was in storage at the licensee's facility using a minimum of two tangible barriers. During the inspection, the president of the company stated that, because of a lack of projects requiring use of the gauge for measurements, they intend to transfer the gauge back to manufacturer within the next two to three months.

Performance Observations

The inspector toured the licensee's facility and found that the gauge was properly posted and adequately secured by at least two independent physical controls. Independent surveys of unrestricted areas found no readings in excess of public dose limits. The gauge was not in use at the time of inspection. An authorized user satisfactorily described and demonstrated to the inspector the licensee's methods for transporting and using the gauge, including means of using two tangible barriers for securing the gauge when unattended and stored at temporary job sites. Through these and additional discussions, the inspector found that licensee personnel were knowledgeable of radiation protection principles and licensee procedures.

The inspector reviewed a selection of licensee records, including use logs, leak tests, dosimetry, DOT requirements and shipping papers, and annual refresher training. With the exception of leak tests (as described below and on Part 1 of this

(cont'd. on Part 2)

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Lawson-Fisher Associates, P.C.
525 West Washington Avenue
South Bend, IN 46601

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

3. DOCKET NUMBER(S)

030-34487

4. LICENSE NUMBER(S)

13-32007-01

5. DATE(S) OF INSPECTION

March 2-3, 2017

(Continued)

(cont'd. from Part 3)

report), no issues were identified. A previous violation of 49 CFR 172.704(c) for failing to provide recurrent DOT HazMat training at least once every three years was reviewed and determined to have been corrected. This item is closed.

The inspector performed independent radiation measurements that indicated no dose concerns and consistent with expected readings.

During this inspection, the inspector identified a violation of License Condition 13.A for failure to test sealed sources for leakage and/or contamination at intervals not to exceed 12 months, as specified in the applicable certificate of registration in the Sealed Source and Device Registry. Following the collection of leak tests of its Troxler portable moisture-density gauge on September 29, 2014, the licensee did not collect leak tests through the period ending on April 4, 2016, which was the date of the gauge was last used. This period exceeded 12 months. Since April 4, 2016, the last date the gauge was used, to the date of the inspection, the gauge was in storage. License Condition 13.C, states, in part, that sealed sources need not be leak test if they are in storage and not being used, until they are removed from storage for use or transfer.

O'Dowd, Dennis

From: O'Dowd, Dennis
Sent: Monday, March 20, 2017 8:47 AM
To: 'ddietz@lawson-fisher.com'
Subject: Transmittal of NRC Form 591M (Part 1) "Safety Inspection Report and Compliance Inspection" for Licensee's Name, Signature, and Date
Attachments: Lawson-Fisher Associates_NRC Form 591M Inspection Report (03-03-2017).pdf

Mr. Donald Dietz, Radiation Safety Officer
Lawson-Fisher Associates, P.C.
525 West Washington Avenue
South Bend, Indiana 46601

Dear Mr. Dietz:

Please find attached Form 591M (Part 1), "Safety Inspection Report and Compliance Inspection," signed by me and Aaron T. McCraw, Chief, Materials Inspection Branch, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission (NRC), Region III, issued in response to our recent inspection of your licensed program.

As you are aware, on March 2 and 3, 2017, the NRC conducted a routine inspection at your facility in South Bend, 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. An exit meeting was conducted you and your company president, Mr. Paul Hummell, on March 3, 2017, to discuss the inspection findings. The enclosed Form 591M (Part 1) inspection report presents the results of the inspection.

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, interviews with personnel, and independent measurements.

Based on the results of this inspection, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy. The NRC is citing the violation in the enclosed Form 591M because the inspector identified violation. 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 will be achieved is already adequately addressed in the narrative on the form, and therefore, no further response is requested.

At this time, we request that a member of senior executive management date and sign his/her name in the signature block of the attached NRC Form 591M in the row "Licensee's Representative," (please include the official's printed name in the appropriate block), scan the signed and dated document, and return it to me via email, so that we can include it in your official license record.

Should you have any questions regarding this or any other related matter, please feel free to contact me. Thank you for your cooperation during this inspection.

Dennis P. O'Dowd
Health Physicist
Materials Inspection Branch
Division of Nuclear Materials Safety
U.S. Nuclear Regulatory Commission
2443 Warrenville Road

Lisle, IL 60532

dennis.o'dowd@nrc.gov

630.829.9573 (office)

630.515.1078 (fax)



O'Dowd, Dennis

From: Paul Hummel <phummel@lawson-fisher.com>
Sent: Monday, March 20, 2017 1:14 PM
To: O'Dowd, Dennis
Cc: Don Dietz; Sharon Benko; Chris Szalajko
Subject: [External_Sender] FW: Transmittal of NRC Form 591M (Part 1) "Safety Inspection Report and Compliance Inspection" for Licensee's Name, Signature, and Date
Attachments: NRC FORM 591 SAFETY INSPECTION REPORT.PDF

Mr. O'Dowd:

Completed form as requested. Thanks for your review and insights. Let us know if anything else is required near term. We are continuing to pursue selling the gauge.

Paul A. Hummel, P.E.
President / Senior Civil Engineer



Lawson-Fisher Associates P.C.
525 West Washington Ave.
South Bend, IN 46601
Office: 574-234-3167
Cell: 574-276-8080
Fax: 574-236-1330

From: Don Dietz
Sent: Monday, March 20, 2017 11:23 AM
To: Paul Hummel <phummel@lawson-fisher.com>
Cc: Sharon Benko <sbenko@lawson-fisher.com>
Subject: FW: Transmittal of NRC Form 591M (Part 1) "Safety Inspection Report and Compliance Inspection" for Licensee's Name, Signature, and Date

Paul,
Please sign and return to Mr. O'Dowd today.
Thanks,
Don

From: O'Dowd, Dennis [<mailto:Dennis.ODowd@nrc.gov>]
Sent: Monday, March 20, 2017 9:47 AM
To: Don Dietz <ddietz@lawson-fisher.com>
Subject: Transmittal of NRC Form 591M (Part 1) "Safety Inspection Report and Compliance Inspection" for Licensee's Name, Signature, and Date

Mr. Donald Dietz, Radiation Safety Officer
Lawson-Fisher Associates, P.C.
525 West Washington Avenue
South Bend, Indiana 46601

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Should you have any questions regarding this or any other related matter, please feel free to contact me. Thank you for your cooperation during this inspection.

Dennis P. O'Dowd

Health Physicist

Materials Inspection Branch

Division of Nuclear Materials Safety

U.S. Nuclear Regulatory Commission

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