

INSPECTION RECORD

Region: III

Inspection Report No. 2018001

License No. 21-14894-01

Docket No. 030-08223

Licensee: NTH Consultants, Ltd.
11675 Belden Court
Livonia, MI 48150

Locations Inspected: 1) Location above
2) 608 S. Washington Avenue, Lansing, MI 48933

Licensee Contact: Jeff Stamper, RSO

Telephone No. 313-553-6300

Program Code: 03121 Priority: 5

Type of Inspection: () Initial (X) Routine () Announced
() Special (X) Unannounced

Last Inspection Date: 10/03/2012

Date of This Inspection: 03/27/2018, with continued in-office review through 04/03/2018

Next Inspection Date: 03/27/2023

(X) Normal () Reduced

Summary of Findings and Actions:

- () No violations cited, clear U.S. Nuclear Regulatory Commission (NRC) Form 591 or regional letter issued
- () Non-cited violations (NCVs)
- () Violation(s), Form 591 issued
- (X) Violation(s), regional letter issued
- () Follow-up on previous violations

Inspector: Edward Harvey, Health Physicist

/RA/
Signature

Date: 04/25/2018

Approved: Aaron T. McCraw, Chief, MIB

/RA/
Signature

Date: 05/02/2018

PART I – LICENSE, INSPECTION, INCIDENT/EVENT AND ENFORCEMENT HISTORY

1. AMENDMENTS AND PROGRAM CHANGES SINCE LAST INSPECTION:

<u>AMENDMENT #</u>	<u>DATE</u>	<u>SUBJECT</u>
30	10/13/2016	Remove authorized location of use.
29	07/02/2013	Renewal.

2. INSPECTION AND ENFORCEMENT HISTORY:

The last routine inspection of this licensee was on October 3, 2012. No violations were identified during this inspection. The previous inspection was an enforcement followup inspection performed on May 19, 2008, to verify that corrective actions were implemented for a violation of Title 10 of the *Code of Federal Regulations* (CFR) 30.34(i) for failure to use two independent physical controls to secure portable gauges while in transit. No violations were identified during this inspection.

On December 19, 2007, the NRC conducted a special inspection in response to a notification to the NRC that a gauge had been stolen from the licensee on October 28, 2007. This inspection resulted in a violation of 10 CFR 30.34(i) for failure to use two independent physical controls to secure portable gauges while in transit. Specifically, the licensee had secured the case of the portable gauge to the truck with two independent controls, but had only one physical control in place to prevent the case from opening. However, this violation was not the root cause of the event since the gauge was stolen after the two physical controls securing the case to the truck were defeated.

The previous routine inspection of this licensee was on February 6, 2007. No violations were identified during this inspection.

3. INCIDENT/EVENT HISTORY:

No open items or events since the last routine inspection.

PART II – INSPECTION DOCUMENTATION

1. ORGANIZATION AND SCOPE OF PROGRAM:

NTH Consultants, Ltd. is authorized under NRC Materials License No. 21-14894-01 to use byproduct material for measuring physical properties of materials with portable nuclear gauging devices. Licensed material is authorized to be used at the licensee's facilities in Livonia and Lansing, Michigan, as well as at temporary job sites anywhere in the United States in areas of NRC jurisdiction. The licensee possessed 35 gauges at its Livonia location, 22 of which remained unused in storage with the intent to dispose. Three additional gauges were stored and used out of the location in Lansing. At the time of the inspection, a total of 21 individuals between both locations were authorized to use the gauges.

2. SCOPE OF INSPECTION:

Inspection Procedure(s) Used: 87124

Focus Areas Evaluated: All

The inspector toured the licensee's main office and field office to evaluate the licensee's measures for material security, hazard communication and exposure control. Through interviews with the radiation safety officer and several gauge users, the inspector found that the licensee's staff was knowledgeable and conscientious of radiation protection principles and licensee procedures for use and transportation of portable gauges.

The inspector reviewed a selection of licensee records for inventories, leak tests, utilization logs, shipping papers, audits, training documentation, and dosimetry with no issues noted.

3. INDEPENDENT AND CONFIRMATORY MEASUREMENTS:

The inspector conducted independent surveys at each of the locations inspected. The inspector found no readings that would indicate residual contamination or exposures to members of the public in excess of regulatory limits.

4. VIOLATIONS, NCVs, AND OTHER SAFETY ISSUES:

On March 27, 2018, the inspector identified a violation of 10 CFR 30.34(i) for a failure to use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.

Specifically, upon arrival the licensee's facility in Lansing, Michigan, the inspector observed that all outer doors were locked and the inspector was let inside by licensee personnel. The inspector was escorted through the first floor of the building and down to the basement, where the portable gauges were stored. The inspector noted that there were no additional barriers between the outside door and the closet in which the gauges were stored. The licensee then used a radio-frequency identification (RFID) card to gain access to the gauges.

When asked whether or not all of the personnel in the building were licensee staff, the licensee explained that they had begun leasing the first floor to a separate company beginning in October of 2017. NTH Consultants continued to maintain the space on the second floor and the basement, where the gauges were stored. Previously, the licensee had relied on the outside locks as one physical control to secure the gauges. However, the new configuration that resulted from the leasing of space on the first floor allowed the tenants access through the outside doors, leaving only one physical control to secure the portable gauges from unauthorized personnel. Because all licensee personnel typically resided on the second floor, the staff did not constantly maintain surveillance of the gauges in the basement.

The inspector determined that the root cause of the violation was a management oversight resulting from the leasing of space in the licensee's building in Lansing, Michigan. As immediate corrective action for the apparent violation, the licensee closed

and locked a second door to the room outside of the storage closet on March 27, 2018. As long term corrective action, on March 29, 2018, the licensee installed a second, independent lock on the storage closet door to be used in conjunction with the RFID card lock. All pertinent personnel were trained on the use of the second lock.

This violation was dispositioned as a Severity Level IV violation in accordance with the NRC Enforcement Policy Section 6.3.d.10 because: (1) one physical control existed; (2) there was no actual loss of material; and (3) the failure was not repetitive. Although the licensee was previously cited for a violation of 10 CFR 30.34(i), the corrective actions for the previous violation identified during the special inspection in 2007 could not reasonably be expected to prevent this violation as those corrective actions were intended to ensure two physical controls were in place for gauges in transit. The circumstances and root cause of this violation are distinct and unrelated to the previous violation; therefore, this violation would not be considered repetitive.

5. PERSONNEL CONTACTED:

Zeerek Paydawy
Jeff Stamper, RSO

Attended exit meeting on April 3, 2018.

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