

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED: Nowak & Fraus, PLLC 46777 Woodward, Avenue Pontiac, MI REPORT NUMBER(S) 2018001		2. NRC/REGIONAL OFFICE Region III U. S. Nuclear Regulatory Commission 2443 Warrenville Road, Suite 210 Lisle, IL 60532-4352	
3. DOCKET NUMBER(S) 030-31487	4. LICENSE NUMBER(S) 21-26122-01	5. DATE(S) OF INSPECTION 4/18/18, with in-office review through 5/21/18	

(Continued)

(Continued from Part 1)

49 CFR 172.704(c) requires that a new hazmat employee, or a hazmat employee who changes job functions may perform those functions prior to the completion of training provided the employee performs those functions under the direct supervision of a properly trained and knowledgeable hazmat employee; and the training is completed within 90 days after employment or a change in job function. In addition, a hazmat employee shall receive the training required by this subpart at least once every three years.

Contrary to the above, the licensee did not provide training for its hazmat employees which satisfied the requirements in Subpart H to 49 CFR Part 172. For example, a hazmat employee was approved as an authorized user (AU) by the licensee on April 4, 2016, and the licensee did not provide hazmat training for the AU until May 2, 2018, a period of greater than 90 days after employment. Another hazmat employee was approved as an AU on June 10, 2013, and the licensee provided initial hazmat training to the AU on June 10, 2013, but the licensee did not provide recurrent hazmat training for the individual until July 10, 2017, a period of greater than 3 years.

This is a Severity Level IV violation (Section 6.8).

The root cause of the violation was oversight. As corrective action to prevent a similar violation, the licensee committed to revise its radiation protection program audit template to add actions to ensure that AUs receive recurrent hazmat training every 3 years. In addition, the licensee committed to update its procedures for new hires to ensure that hazmat employees complete their initial hazmat training within 90 days after employment.

Docket File Information

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6. INSPECTION PROCEDURES USED 87124	7. INSPECTION FOCUS AREAS All		

SUPPLEMENTAL INSPECTION INFORMATION

1. PROGRAM CODE(S) 03121	2. PRIORITY 5	3. LICENSEE CONTACT Chad Findley, RSO	4. TELEPHONE NUMBER (248) 635-6460
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Main Office Inspection Next Inspection Date: 04/18/2023

Field Office Inspection _____

Temporary Job Site Inspection _____

PROGRAM SCOPE

Nowak & Fraus, PLLC is authorized under NRC Materials License No. 21-26122-01 to use licensed material for measuring physical properties of materials with four Troxler Model 3430 gauges containing cesium-137 and americium-241 (Serial Nos. 67642, 32398, 34142, and 25148). The gauges were used daily in the United States in areas of NRC jurisdiction. The licensee had five authorized users (AUs). The nearest temporary jobsite during the onsite inspection was too far away; therefore, the inspector did not conduct the inspection at a temporary jobsite.

Performance Observations

The inspector: (1) observed how the licensee secured gauges at its facility and noted that there were two independent physical controls that formed tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges were not under the control and constant surveillance of the licensee; (2) noted that the licensee did not open sources or detach source rods from portable gauges; (3) noted that the licensee transferred portable gauges to an authorized firm for repair and maintenance; (4) observed an AU demonstrate how he had used a gauge at a temporary jobsite, and noted that the AU used a utilization log, wore his dosimeter badge, safely used the portable gauge including use of a template to align the gauge for pushing the source rod into the ground, and taking action to prevent the gauge from being damaged at the temporary jobsite; (5) observed that the cesium-137 source rod was padlocked in the shielded position; (6) observed that the gauge case was marked, labeled and it was in good condition; (7) noted that there were no incidents involving licensed material since the last inspection (i.e., no damaged gauges, loss of gauges, theft, flood, fire, or leaking sources); (8) verified that the licensee had an agreement with McDowell Associates such that, if the licensee needs to have a radiation survey, McDowell Associates' RSO would bring a survey instrument to the scene and conduct ambient exposure rate surveys on behalf of the licensee; (9) reviewed dosimeter badge results for the highest annual whole body dose for 2013 through 3/4/18, and the highest whole body dose was 86 millirem; (10) reviewed selected physical inventory records that were done every 6 months and there were no concerns; and (11) noted that the licensee conducted radiation protection program audits as required by 20.1101(c).