



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352

August 8, 2018

EA-18-096
EN 53407
NMED No. 180236 (Closed)

Mr. Jeremy Westcott
Radiation Safety Officer
Environmental Testing and Consulting
38900 West Huron River Drive
Romulus, MI 48174

SUBJECT: NRC REPORT NO. 99990003/2018003(DNMS) – ENVIRONMENTAL TESTING
AND CONSULTING

Dear Mr. Westcott:

Between May 17, 2018, and July 25, 2018, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted an in-office review of the circumstances surrounding the improper transfer or disposal of a generally licensed cobalt-57 x-ray fluorescence lead paint analyzer (XRF). The NRC initiated this review after Environmental Testing and Consulting contacted the NRC Operations Center on May 17, 2018, to report the loss or theft of the XRF, and followed that phone notification with a written report on June 18, 2018. A copy of the written report can be found in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html>, under Accession Number ML18191A999. Mr. Jason Draper of my staff presented the findings of this review to you via telephone on July 25, 2018.

During this in-office review, the NRC staff examined activities conducted under your general license related to public health and safety. Additionally, the staff examined your compliance with the Commission's rules and regulations. The in-office review consisted of interviews with personnel and examination of information provided by you to the NRC.

Based on the results of the in-office review and the information you provided, 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 current Enforcement Policy is included on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation concerned the failure to properly dispose of or transfer the generally licensed device as required by Title 10 of the *Code of Federal Regulations* (CFR) 31.5(c)(8)(i). In your written report and during discussions with the inspector, you determined that the cause of the violation was the lack of tracking and control of the XRF. Specifically, between April 5, 2018 and May 17, 2018, Environmental Testing and Consulting failed to properly transfer or dispose of a generally licensed cobalt-57 XRF to authorized licensee or waste collection. You identified the violation and its cause in a timely fashion and took immediate action to perform an extensive search of your office, jobsites, and an employee residence to locate the XRF. Additionally, you indicated that you plan to place GPS tracking technology in all XRF cases, and you plan to enforce the requirement that no technician shall possess more than one XRF at any given time. Because you identified the violation and took timely and effective

corrective actions, and because the violation was neither willful nor repetitive, this violation is being treated as a Noncited Violation, consistent with Section 2.3.2.b of the Enforcement Policy.

You are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you contest this action, you should provide your response, with the basis for your denial, to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region III, 2443 Warrenville Road, Suite 210, Lisle, IL 60532-4352.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html>.

Please feel free to contact Jason Draper of my staff if you have any questions regarding this inspection. Mr. Draper can be reached at 630-829-9839.

Sincerely,

/RA/

Geoffrey M. Warren, Acting Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 999-90003
License No. General License

cc: State of Michigan

Letter to Jeremy Westcott from Geoffrey Warren, dated August 8, 2018.

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ADAMS Accession Number: ML18221A419

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