



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

June 11, 2019

Mr. Lami Taweel, Owner
TES Consultants, P.C.
23943 Industrial Park Drive
Farmington Hills, MI 48335

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03034920/2019001(DNMS) AND
NOTICE OF VIOLATION – TES CONSULTANTS, P.C.

Dear Mr. Taweel:

On April 12, 2019, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection at your facility in Farmington Hills, Michigan, with continued in-office review through May 14, 2019. 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. The in-office review included an additional review of findings that were identified during the inspection. Mr. Edward Harvey of my staff conducted a final exit meeting by telephone with you on May 14, 2019, to discuss the inspection findings.

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, and interviews with personnel.

Based on the results of this inspection, the NRC has determined that three Severity Level IV violations of NRC requirements occurred. The violations were 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 violations concerned the licensee's failure to: (1) notify the NRC in writing within 60 days following no principal activities being conducted under the license for a period of 24 months, as required by Title 10 of the *Code of Federal Regulations* (CFR) 30.36(d); (2) leak test a Troxler Model 3430 portable gauge within the 12-month interval specified in the certificate of registration, as required by License Condition 13.A of NRC License No. 21-32150-01; and (3) conduct a physical inventory every 6 months, as required by License Condition 16 of NRC Radioactive Materials License No. 21-32150-01. The violations are cited in the enclosed Notice of Violation (Notice). The NRC is citing the violations in the enclosed Notice because the inspector identified violations.

The inspector determined that the root cause of the violations was a lack of understanding of the requirements and a lack of management oversight that occurred when the licensee experienced a decrease in workload and personnel. As corrective actions to restore compliance and to prevent recurrence, the licensee: (1) committed to submitting a written notification to the NRC in accordance with 10 CFR 30.36(d); (2) conducted leak tests on all of the portable gauges

on April 15, 2019; (3) conducted a physical inventory on April 12, 2019; and (4) submitted an amendment request to the NRC on April 15, 2019, to transfer Radiation Safety Officer duties and responsibilities to a new individual, who is fully aware of the requirements and the licensee's procedures.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The guidance in NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be useful in preparing your response. You can find the Information Notice on the NRC's website at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be made 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>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made publicly available without redaction.

Please feel free to contact Mr. Harvey if you have any questions regarding this inspection. Mr. Harvey can be reached at 630-829-9819.

Sincerely,

/RA by Michael Kunowski Acting for/

Aaron T. McCraw, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-34920
License No. 21-32150-01

Enclosure:
Notice of Violation

cc w/encl: State of Michigan

Letter to Mr. Lami Taweel from Aaron McCraw, dated June 11, 2019.

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03034920/2019001(DNMS) AND
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NOTICE OF VIOLATION

TES Consultants, P.C.
Farmington Hills, Michigan

License No. 21-32150-01
Docket No. 030-34920

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on April 12, 2019, with continued in-office review through May 14, 2019, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Title 10 of the *Code of Federal Regulations* (CFR) 30.36(d) requires, in part, that a licensee must provide notification to the NRC in writing within 60 days when no principal activities under the license have been conducted for a period of 24 months.

Contrary to the above, as of December 2, 2017, TES Consultants, P.C. (licensee) failed to notify the NRC in writing within 60 days of no principal activities under the license being conducted for a period of 24 months. Specifically, the licensee had not conducted principal activities under NRC License No. 21-13583-01 from October 2, 2015, through April 12, 2019, a period greater than 24 months, and did not notify the NRC within 60 days of the occurrence.

This is a Severity Level IV violation (Section 6.10.d).

- B. License Condition 13.A of NRC License No. 21-32150-01 requires that sealed sources shall be tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued under 10 CFR 32.210 or by an Agreement State.

Certificate of Registration No. NC-646-D-130-S, dated April 4, 2007, for Troxler Electronic Laboratories Model No. 3430 Portable Surface Moisture and Density Gauges states that the leak test frequency for these devices is 12 months.

Contrary to the above, as of April 12, 2019, the licensee failed to test its Troxler Model 3430 portable gauge for leakage within the 12-month interval specified in the certificate of registration issued by an Agreement State. Specifically, the portable gauge was last leak tested on October 21, 2013, and was used on October 1, 2015 – a period exceeding 12 months.

This is a Severity Level IV violation (Section 6.3.d).

- C. License Condition 16 of NRC License No. 21-32150-01 states that the licensee shall conduct a physical inventory every 6 months, or at other intervals approved by the U.S. Nuclear Regulatory Commission, to account for all sources and/or devices received and possessed under the license.

Contrary to the above, as of April 12, 2019, the licensee failed to conduct a physical inventory every 6 months to account for all sources and/or devices received and possessed under the license. Specifically, the last physical inventory was completed on March 28, 2012 – a period exceeding 6 months.

Enclosure

This is a Severity Level IV violation (Section 6.3.d).

Pursuant to the provisions of 10 CFR 2.201, TES Consultants, P.C. is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator, Region III, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include: (1) the reason for the violation, or, if contested, the basis for disputing the violation or its severity level, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken, and (4) the date when full compliance was or will be achieved. Your response may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Your response will be made 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>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made publicly available without redaction.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated this 11th day of June, 2019.