

INSPECTION RECORD

Region: III

Inspection Report No. 2019001

License No. 21-32150-01

Docket No. 030-34920

Licensee: TES Consultants, P.C.
23943 Industrial Park Drive
Farmington Hills, MI 48335

Locations Inspected: Same as above.

Licensee Contact: Lami Taweel, RSO

Telephone No. 313-443-1322

Program Code: 03121

Priority: 5

Type of Inspection: ☐ Initial ☒ Routine ☐ Announced
 ☐ Special ☒ Unannounced

Last Inspection Date: 3/11/2014

Date of This Inspection: 4/12/2019; Exit 5/14/2019

Next Inspection Date: 4/12/2022

☐ Normal

☒ Reduced

Justification for reducing the routine inspection interval:

Inspection interval reduced to provide an earlier opportunity to evaluate the status of the licensee's portable gauge program to ensure that the radiation safety program is being implemented in accordance with the NRC requirements and commitments. Licensee rarely uses gauge and was in a transition to a new Radiation Safety Officer (RSO).

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
- ☒ Violation(s), regional letter issued
- ☐ Follow-up on previous violations

Inspector: Edward Harvey, Health Physicist

/RA/

Signature

Date 06/10/2019

Approved: Aaron T. McCraw, Chief, MIB

/RA by Michael Kunowski Acting for/

Signature

Date: 06/11/2019

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

1. AMENDMENTS AND PROGRAM CHANGES SINCE LAST INSPECTION:

There were no license amendments nor program changes since the last inspection.

2. INSPECTION AND ENFORCEMENT HISTORY:

The last inspection of this licensee was conducted on March 11, 2014; no violations of NRC requirements were identified. The previous inspection of this licensee was conducted on July 16, 2009; no violations of NRC requirements were identified during that inspection.

3. INCIDENT/EVENT HISTORY:

There were no incidents or events reported to the NRC since the last inspection.

PART II – INSPECTION DOCUMENTATION

1. ORGANIZATION AND SCOPE OF PROGRAM:

TES Consultants, P.C. is authorized by NRC Materials License No. 21-32150-01 to use licensed material in portable nuclear gauging devices for measuring the physical properties of materials. At the time of the inspection, the licensee possessed four Troxler Model 3400 Series portable gauges and employed one authorized gauge user. The licensee had not used the portable gauges since October 1, 2015. The owner of the company stated that the current RSO will be leaving the employment of the licensee and that the current authorized gauge user will be named the new RSO. The licensee submitted this amendment request to the NRC of April 15, 2019 (ML19109A114).

2. SCOPE OF INSPECTION:

Inspection Procedure(s) Used: 87124

Focus Areas Evaluated: All

The gauges were not in use at the time of the inspection. The inspector toured the licensee's facility in Farmington Hills, Michigan, to evaluate the licensee's measures for material control, hazard communication, and exposure control. The inspector verified that the gauges were secured by two independent physical controls that formed tangible barriers while not under the constant surveillance of licensee personnel. The inspector reviewed a selection of licensee records, including leak tests, inventories, dosimetry, authorized user training, shipping papers, and the utilization log.

3. INDEPENDENT AND CONFIRMATORY MEASUREMENTS:

The inspector conducted independent surveys throughout the facility and 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:

While reviewing the utilization log for the portable gauges, the inspector noted that the last time a portable gauge was used was on October 1, 2015.

Title 10 of the *Code of Federal Regulations* (CFR) 30.36(d) states, in part, that licensees must provide notification to the NRC in writing within 60 days of any of the following occurrences:

- (1) The license has expired;
- (2) The licensee has decided to permanently cease principal activities at the entire site or in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with NRC requirements;
- (3) No principal activities under the license have been conducted for a period of 24 months; or
- (4) No principal activities have been conducted for a period of 24 months in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with NRC requirements.

Contrary to the above, the 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 the license from October 2, 2015, through April 12, 2019, a period greater than 24 months. This is a violation of 10 CFR 30.36(d)(3).

The root cause of this violation was a lack of understanding of the requirement. As corrective action, the licensee has committed to submitting a written notification to the NRC in accordance with 10 CFR 30.36(d). The owner stated that the licensee intends to transfer all but one portable gauge to an authorized recipient and keep the remaining gauge for potential future projects.

The inspector reviewed leak test records for the portable gauges and identified that the Troxler Model 3430 portable gauge that was used on October 1, 2015, was last tested for leakage and/or contamination on October 21, 2013.

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, the licensee failed to test its Troxler Model 3430 portable gauge within the 12-month interval specified in the certificate of registration issued under 10 CFR 32.210 or by an Agreement State. Specifically, the portable gauge was last leak

tested on October 21, 2013, and used on October 1, 2015, a period exceeding 12 months. This is a violation of License Condition 13.A of NRC License No. 21-32150-01.

The root cause of the violation was a lack of management oversight that occurred when the licensee experienced a decrease in workload and personnel. As corrective action, the licensee conducted leak tests on all of their portable gauges on April 15, 2019. As corrective action to prevent recurrence, the licensee has appointed a new RSO who has been made aware of the requirement and the licensee's leak testing procedures. The licensee submitted the amendment request to the NRC for the change of RSO on April 15, 2019 (ML19109A114).

The inspector reviewed licensee records of inventories and identified that the last inventory of the portable gauges was conducted on March 28, 2018.

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, 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. This is a violation of License Condition 16 of NRC License No. 21-32150-01.

The root cause of the violation was also a lack of management oversight that occurred when the licensee experienced a decrease in workload and personnel. As corrective action, the licensee conducted a physical inventory on April 12, 2019. As corrective action to prevent recurrence, the licensee has appointed a new RSO who has been made aware of the requirement and the licensee's inventory procedures.

5. PERSONNEL CONTACTED:

Lami Taweel, Owner
Sabah Toma, Gauge User

Attended exit meeting on May 14, 2019

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