
U. S. Nuclear Regulatory Commission
Region III
Predecisional Enforcement Conference
Monday, June 13, 2022

Testing Engineers & Consultants, Inc.
Troy, Michigan

Agenda

1. Welcome and Opening Remarks
 2. Discussion of Enforcement Policy
 3. Description of Apparent Violations
 4. Licensee's Response to Apparent Violations
 5. NRC Questions
 6. NRC Caucus
 7. NRC Clarifying Questions
 8. Licensee Closing Remarks
 9. Questions and Comments from the Public to NRC
 10. Summary and Closing Remarks
-

Apparent Violation No. 1

10 CFR 20.1801 and 10 CFR 20.1802 provide the general requirements for securing licensed radioactive material from unauthorized removal.

10 CFR 30.34(i) provides the specific requirements for securing portable gauges.

Between January 18, 2021, and December 17, 2021, TEC did not properly secure two gauges and they have gone missing.

Apparent Violation No. 2

10 CFR 20.1802 provides the general requirement for securing radioactive material that is being stored.

10 CFR 30.34(i) provides the specific requirements for securing portable gauges.

Condition 16 of TEC's NRC License provides that each portable gauge have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position. The gauge or its container must be locked when not being watched by a gauge user.

Apparent Violation No. 2 (con't.)

On December 2, 2021, TEC did not secure or otherwise lock a portable gauge that was left unwatched in a company vehicle.

Apparent Violation No. 3

10 CFR 30.34(i) provides the specific requirements for securing portable gauges.

Between December 1 and December 4, 2021, TEC did not properly secure 22 portable gauges at one of its offices where one of two locks was inoperable.

Apparent Violation No. 4

Condition 11 of TEC's NRC License names a specific person as the Radiation Safety Officer (RSO).

From July 2021 to November 11, 2021, TEC did not have that person function as the RSO; that person left the company in July 2021 and the license was not changed to name another person as RSO.

Apparent Violation No. 5

10 CFR 20.1101(c) specifies that the licensee periodically (at least annually) review the radiation protection program content and implementation.

Between March 2018 and December 3, 2021, TEC did not periodically (at least annually) review its radiation protection program content and implementation.

Apparent Violation No. 6

10 CFR 20.1904(a) provides the specific requirements for labeling containers of licensed radioactive material.

On December 1 and 2, 2021, and January 3, 2022, TEC did not properly label four gauges at one of its offices and three gauges at its other office.

Apparent Violation No. 7

Condition 13.C of TEC's NRC License specifies that all gauges be leak tested every 10 years if they are in storage.

Between 2008 to December 1, 2021, TEC did not leak test 10 gauges that were stored at one of its offices for more than 10 years.

Apparent Violation No. 8

Condition 15 of TEC's NRC License specifies that a physical inventory of all gauges be conducted every six months.

From approximately 2016 to December 4, 2021, TEC did not conduct a physical inventory every six months.

Apparent Violation No. 9

Condition 16 of TEC's NRC License specifies that each gauge have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position. The gauge or its container must be locked when not being watched by a gauge user.

On December 1, 2021, TEC stored 22 gauges at one of its offices and neither the gauges nor the containers were properly locked.

Apparent Violation No. 10

Condition 19.A of TEC's NRC License states that TEC must follow its license application dated December 27, 2016.

Item 10.5, "Radiation Safety Program-Public Dose," in that application states that TEC will have a document demonstrating that members of the public are not likely to receive a radiation dose in excess of 100 millirem in a year from the storage of gauges at its two offices.

As of December 3, 2021, TEC did not have a document demonstrating that members of the public were not likely to receive a dose in excess of 100 millirem in a year.

Apparent Violation No. 11

Condition 19.A of TEC's NRC License states that TEC must follow its license application dated December 27, 2016.

Item 10.6, "Radiation Safety Program-Operating, Emergency, and Security Procedures" of that application states that TEC will implement and maintain the operating, emergency, and security procedures in Appendix G to NUREG-1556.

Appendix G to the NUREG states a log book, with specific information requirements, will be used by gauge users to sign gauges out of and into storage locations at the two offices.

Apparent Violation No. 11 (con't.)

Prior to December 3, 2021, TEC did not have gauge users use a log book at one of its two offices.

Apparent Violation No. 12

10 CFR 71.5(a) specifies that NRC licensees follow certain regulations of the U. S. Department of Transportation (DOT) when transporting radioactive material.

DOT regulation 49 CFR 173.22(a) specifies that radioactive material be properly packaged during transportation.

On December 2, 2021, TEC did not properly package a gauge when a gauge user transported a gauge from a job site in Detroit to one of the TEC offices and did not properly package the gauge in its shipping case.

Apparent Violation No. 13

10 CFR 71.5(a) specifies that NRC licensees follow certain regulations of the U. S. Department of Transportation (DOT) when transporting radioactive material.

DOT regulation 49 CFR 173.448(a) specifies that each shipment of radioactive materials be secured to prevent shifting during normal transportation conditions.

On December 2, 2021, TEC did not properly secure a gauge when a gauge user transported a gauge from a job site in Detroit to one of the TEC offices and did not secure the gauge to prevent shifting.

Apparent Violation No. 14

10 CFR 71.5(a) specifies that NRC licensees follow certain regulations of the U. S. Department of Transportation (DOT) when transporting radioactive material.

DOT regulation 49 CFR 172.704(c) specifies that employees who transport radioactive material receive initial training, and recurrent training at least once every three years on shipping this material.

As of December 1, 2021, TEC did not provide initial training to three employees and recurrent training to four employees who transport gauges.

Apparent Violation No. 15

10 CFR 71.5(a) specifies that NRC licensees follow certain regulations of the U. S. Department of Transportation (DOT) when transporting radioactive material.

DOT regulations 49 CFR 177.817 specifies the location where a shipping paper describing radioactive material must be stored in the driver's compartment.

On December 2, 2021, TEC did not store a shipping paper in the proper location when a gauge user transported a gauge from a job site in Detroit to one of the TEC offices.

Apparent Violation No. 16

10 CFR 71.5(a) specifies that NRC licensees follow certain regulations of the U. S. Department of Transportation (DOT) when transporting radioactive material.

DOT regulation 49 CFR 173.448(c) specifies that radioactive material can not be transported in the passenger compartment of a vehicle, except in those compartments exclusively reserved for couriers accompanying those packages.

On December 2, 2021, TEC transported radioactive material in the passenger compartment of a vehicle that was not exclusively reserved for a courier when a gauge user transported a gauge from a job site in Detroit to one of the TEC offices.