



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

June 14, 2022

Mr. Charles Pierce, II
Radiation Safety Officer
7NT Enterprises, LLC
3090 South Tech Boulevard
Miamisburg, OH 45342

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03038799/2022001(DNMS) AND
NOTICE OF VIOLATION – 7NT ENTERPRISES, LLC

Dear Mr. Pierce:

On January 25, 2022, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection at your field office in Indianapolis and at a nearby temporary job site, with continued in-office review through May 20, 2022. 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 evaluation by our licensing staff of your request to relocate the Indianapolis field office. Mr. Ryan Craffey of my staff conducted a final exit meeting by telephone with you on May 20, 2022, to discuss the inspection findings. This letter presents the results of the inspection.

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 four 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 (1) the failure to confine the possession and use of byproduct material to the locations authorized by the license, as required by Title 10 of the *Code of Federal Regulations* (CFR) 30.34(c) and Condition 10 of NRC Materials License No. 34-35203-01; (2) the failure to ensure that shipping papers were readily available in accordance with 49 CFR 177.817(e)(2), as required by 10 CFR 71.5(a); (3) the failure to review the content and implementation of the radiation safety program annually, as required by 10 CFR 20.1101(c); and (4) the failure to have or have access to a radiation survey meter, as required by Condition 19.A of your license.

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 them.

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 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 the NRC's "Rules of Practice" in 10 CFR 2.390, a copy of this letter, its enclosure, and any response you provide 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, any 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. Craffey of my staff if you have any questions regarding this inspection. Mr. Craffey can be reached at 630-829-9655 or ryan.craffey@nrc.gov.

Sincerely,

 Signed by Kunowski, Michael
on 06/14/22

Michael Kunowski, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-38799
License No. 34-35203-01

Enclosure: Notice of Violation

cc w/encl: State of Ohio

Letter to Charles Pierce from Michael Kunowski, dated June 14, 2022.

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03038799/2022001(DNMS) AND
NOTICE OF VIOLATION – 7NT ENTERPRISES, LLC

DISTRIBUTION w/encl:

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OFFICE	RIII-DNMS		RIII-DNMS				
NAME	RCraffey:brt		MKunowski				
DATE	06/13/22		06/14/22				

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

7NT Enterprises, LLC
Miamisburg, OH

License No. 34-35203-01
Docket No. 030-38799

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on January 25, 2022, with continued in-office review through May 20, 2022, four 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) 30.34(c) states that each person licensed by the Commission pursuant to the regulations in this part and parts 31 through 36 and 39 shall confine his possession and use of the byproduct material to the locations and purposes authorized in the license.

Condition 10 of NRC License No. 34-35302-01, Amendment No. 2, dated March 1, 2019, states that licensed material may be used or stored at the licensee's facilities located at 5769 Park Plaza Court, Indianapolis, Indiana.

Contrary to the above, between February 2021 and January 25, 2022, 7NT Enterprises, LLC possessed two Troxler 3440 portable gauges containing 9 millicuries of cesium-137 and 44 millicuries of americium-241 each at a facility located at 1422 South Talbot Street, Indianapolis, a location not authorized by the license.

This is a Severity Level IV violation (NRC Enforcement Policy Section 6.3).

- B. Title 10 CFR 71.5(a) requires that each licensee who transports licensed material outside the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, comply with the applicable requirements of the DOT regulations in 49 CFR parts 107, 171 through 180, and 390 through 397, appropriate to the mode of transport.

Title 49 CFR 177.817(e)(2) requires that a driver of a motor vehicle containing hazardous material, and each carrier using such a vehicle, ensure that the shipping paper required by this section is readily available to, and recognizable by, authorities in the event of accident or inspection. Specifically, (i) when the driver is at the vehicle's controls, the shipping paper shall be: (a) within his immediate reach while he is restrained by the lap belt; and (b) either readily visible to a person entering the driver's compartment or in a holder which is mounted to the inside of the door and on the driver's side of the vehicle; (ii) when the driver is not at the vehicle's controls, the shipping paper shall be: (a) in a holder which is mounted to the inside of the door on the driver's side of the vehicle; or (b) on the driver's seat in the vehicle.

Contrary to the above, as of January 25, 2022, 7NT Enterprises, LLC transported a Troxler 3440 portable gauge containing 9 millicuries of cesium-137 and 44 millicuries of americium-241 on a public highway, and the driver of the vehicle did not ensure that the shipping paper was readily available in the driver's compartment, as required. Specifically, the shipping paper was stored inside the locked gauge case, which was stored in the bed of the truck during transport.

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

- C. Title 10 CFR 20.1101(c) states that the licensee shall periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, as of January 25, 2022, 7NT Enterprises, LLC, Inc. had not periodically reviewed its radiation protection program content and implementation.

This is a Severity Level IV violation (NRC Enforcement Policy Section 6.3).

- D. Condition 19.B of NRC License No. 34-35203-01, Amendment 2, dated March 1, 2019, states in part that the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, in its letter dated February 28, 2015, with exclusions not applicable here.

In item 5.1 of the application dated February 28, 2015, the licensee stated that it will either possess and use, or have access to and use, a radiation survey meter that meets the Criteria in the section entitled "Radiation Safety Program – Instruments" in NUREG-1556, Vol. 1, Rev. 1, dated November 2001.

Contrary to the above, as of January 25, 2022, 7NT Enterprises, LLC did not either possess or have access to a radiation survey meter.

This is a Severity Level IV violation (NRC Enforcement Policy Section 6.3).

Pursuant to the provisions of 10 CFR 2.201, 7NT Enterprises, LLC 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 violations, or, if contested, the basis for disputing the violations or their 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 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.

Your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

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.

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

Dated this 14th day of June 2022.