

**SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION**

1. LICENSEE/LOCATION INSPECTED:  Hubbell, Roth & Clark, Inc. 555 Hulet Drive P.O. Box 824 Bloomfield Hills, MI 48303  REPORT NUMBER(S) 2022-001	2. NRC/REGIONAL OFFICE  Region III U. S. Nuclear Regulatory Commission 2443 Warrenville Road, Suite 210 Lisle, IL 60532-4352
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3. DOCKET NUMBER(S)  030-33835	4. LICENSE NUMBER(S)  21-26646-01	5. DATE(S) OF INSPECTION  07/08/22; exit 08/09/22
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**LICENSEE:**

The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Nuclear Regulatory Commission (NRC) rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector. The inspection findings are as follows:

- 1. Based on the inspection findings, no violations were identified.
- 2. Previous violation(s) closed.
- 3. The violation(s), specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is being taken, and the remaining criteria in the NRC Enforcement Policy, to exercise discretion, were satisfied.

\_\_\_\_\_ Non-cited violation(s) were discussed involving the following requirement(s):

- 4. During this inspection, certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited in accordance with NRC Enforcement Policy. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11.  
(Violations and Corrective Actions)

Contrary to 10 CFR 71.5(a), as of July 8, 2022, Hubbell, Roth and Clark failed to comply with 49 CFR 172.702 (d) which requires hazmat employers to ensure that each of its hazmat employees is tested by appropriate means on the training subjects covered in § 172.704.

As corrective action for this Severity Level IV violation, the licensee committed to provide the required test to all gauge users via an online hazmat refresher training course, and to provide the required test via these means to all gauge users at least once every three years thereafter.

**Statement of Corrective Actions**

I hereby state that, within 30 days, the actions described by me to the Inspector will be taken to correct the violations identified. This statement of corrective actions is made in accordance with the requirements of 10 CFR 2.201 (corrective steps already taken, corrective steps which will be taken, date when full compliance will be achieved). I understand that no further written response to NRC will be required, unless specifically requested.

TITLE	PRINTED NAME	SIGNATURE	DATE
LICENSEE'S REPRESENTATIVE	Suzanne Elliott	Suzanne Elliott <small>Digitally signed by Suzanne Elliott DN: c=US, E=elliott@nrc.nrg.com, O=Hubbell, Roth &amp; Clark, Inc., CN=Suzanne Elliott Date: 2022.09.07 12:55:33-04'00'</small>	
NRC INSPECTOR	Ryan Craffey	<i>Ryan Craffey</i> <small>Digitally signed by Ryan J. Craffey Date: 2022.08.22 18:50:17 -04'00'</small>	
BRANCH CHIEF	Michael Kunowski	Michael A. Kunowski <small>Digitally signed by Michael A. Kunowski Date: 2022.08.25 06:53:57 -05'00'</small>	



### Materials Inspection Record

1. Licensee Name: Hubbell, Roth & Clark		2. Docket Number(s): 030-33835		3. License Number(s) 21-26646-01	
4. Report Number(s): 2022-001			5. Date(s) of Inspection: July 8, 2022; exit August 9, 2022		
6. Inspector(s): Ryan Craffey		7. Program Code(s): 03121	8. Priority: 5	9. Inspection Guidance Used: IP 87124	
10. Licensee Contact Name(s): Suzanne Elliott - RSO		11. Licensee E-mail Address: sellriott@hrcengr.com		12. Licensee Telephone Number(s): 248-454-6300	
13. Inspection Type:		14. Locations Inspected:		15. Next Inspection Date (MM/DD/YYYY):	
<input type="checkbox"/> Initial <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Announced <input type="checkbox"/> Non-Routine <input checked="" type="checkbox"/> Unannounced		<input type="checkbox"/> Main Office <input checked="" type="checkbox"/> Field Office <input checked="" type="checkbox"/> Temporary Job Site <input type="checkbox"/> Remote		07/08/2027 <input checked="" type="checkbox"/> Normal <input type="checkbox"/> Extended <input type="checkbox"/> Reduced <input type="checkbox"/> No change	

16. Scope and Observations:

Hubbell, Roth & Clark is an engineering consulting firm authorized to store portable moisture density gauges at field offices in Troy and Grand Rapids, Michigan, and to use them at temporary job sites in NRC jurisdiction for measuring the physical properties of construction materials. At the time of the inspection, the licensee had 12 Troxler 3400 series gauges (11 stationed in Troy, and one pending dispatch to Grand Rapids) and around two dozen individuals authorized to use them. The licensee's RSO, newly appointed in March 2022, was based in Troy.

The inspector toured the field office in Troy. All areas were adequately posted, and all licensed material was adequately secured behind at least two barriers. The inspector performed independent and confirmatory surveys of the facility; radiation levels were well below regulatory limits to members of the public in areas both inside and outside the facility, and the licensee's meter responded appropriately to the presence of radiation sources. All cases and a selection of gauges were examined and found to be adequately labeled and in good condition. The inspector observed the collection of sealed source leak tests, discussed material accountability and emergency response procedures with the RSO, and reviewed a selection of records including utilization logs, leak test results, gauge user training rosters, gauge transfer documentation, and annual program audits.

The inspector also visited a temporary job site, a utility and road reconstruction project along Robbins Street in Algonac, Michigan. The authorized user there maintained control and constant surveillance of his gauge at all times. The device was in good condition; independent surveys in the vicinity of it were consistent with radiation profiles in the applicable SSDR safety evaluation. The inspector observed the authorized user perform density testing and interviewed him to discuss the safe use and transport of gauges as well as response to various emergency scenarios. The user implemented ALARA practices effectively, and was knowledgeable of radiation protection principles, but he was not familiar with requirements for safe transportation of hazardous material. The authorized user's shipping papers and emergency response information were readily accessible in the passenger compartment of his vehicle, and the Type A case was in good condition and adequately labeled. However, the user nearly left the field office in Troy for the job site with the case inadequately blocked and braced until the inspector intervened, and was unable to explain any of the markings or labeling on the Type A case. The inspector later examined the licensee's hazmat training, which consisted of a review by the RSO of the licensee's operating procedures as they applied to transportation. The training did not include a test, as required by 49 CFR 172.702(d). This was noted as a SLIV violation of 10 CFR 71.5(a). The root cause of the violation was a lack of understanding of regulatory requirements. As corrective action, the licensee committed to provide the required test to all gauge users via online hazmat refresher training through APNGA, and to provide this to all gauge users at least once every three years thereafter.