



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

September 15, 2022

Mr. Brian Hibdon
Materials Testing Manager
Tyme Engineering, Inc.
32121 Schoolcraft Road
Livonia, MI 48150

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03036599/2022002(DNMS) AND
NOTICE OF VIOLATION – TYME ENGINEERING, INC.

Dear Mr. Hibdon:

On September 7, 2022, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection at your offices in Livonia and Lansing, Michigan. 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. Mr. Ryan Craffey of my staff conducted a final exit meeting by telephone with you on September 9, 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 one Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy, which is available on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation concerned the failure to confine possession and use of byproduct material to the locations authorized in the license, as required by Title 10 of the *Code of Federal Regulations* (CFR) 30.34(c). The violation is cited in the enclosed Notice of Violation (Notice). The NRC is citing the violation because the inspector identified it.

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 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, 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.

Sincerely,

 Signed by Kunowski, Michael
on 09/15/22

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

Docket No. 030-36599
License No. 21-32523-01

Enclosure:
Notice of Violation

cc w/encl: State of Michigan

Letter to B. Hibdon from M. Kunowski, dated September 15, 2022.

SUBJECT: NRC INSPECTION REPORT NO. 03036599/2022002(DNMS) – TYME
ENGINEERING, INC.

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| OFFICE | RIII-DNMS | | RIII-DNMS | | | | |
| NAME | RCraffey:brt | | MKunowski | | | | |
| DATE | 09/15/22 | | 09/15/22 | | | | |

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Tyme Engineering, Inc.
Livonia, MI

License No. 21-32523-01
Docket No. 030-36599

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on September 7, 2022, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of the Code of Federal Regulations (10 CFR) 30.34(c) requires, in part, that each licensee confine their possession and use of the byproduct material to the locations and purposes authorized in the license.

Contrary to the above, between May 2022 and September 7, 2022, Tyme Engineering, Inc. possessed between one and three portable moisture density gauges, each containing millicurie quantity sealed sources of cesium-137 and americium-241, at an office on Pine Tree Road in Lansing, Michigan, a location not authorized by Condition 10 of NRC Materials License No. 21-32523-01, Amendment No. 05.

This is a Severity Level IV violation (Enforcement Policy Section 6.3.d.9).

Pursuant to the provisions of 10 CFR 2.201, Tyme Engineering, Inc., 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 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 15 day of September 2022.