



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

March 31, 2014

Mr. Christopher J. Karchon
Vice President of Sales
Cammenga & Associates, LLC
2011 Bailey Street
Dearborn, MI 48124

SUBJECT: NRC INITIAL INSPECTION REPORT NO. 03038679/2014001(DNMS) AND
NOTICE OF VIOLATION – CAMMENG & ASSOCIATES, LLC

Dear Mr. Karchon:

On February 28, 2014, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted an initial inspection at your Dearborn, Michigan facility, with continued in-office review through March 13, 2014. The purpose of the inspection was to review activities performed under your exempt distribution license to ensure that activities were being performed in accordance with NRC requirements. The purpose of the in-office review was to assess the licensee's records of distribution activities between July 31, 2013, and September 17, 2013. A final telephone exit meeting was held between you; your Radiation Safety Officer, Ms. Deborah Spykerman; and Mr. Andrew Bramnik of my staff on March 13, 2014, to discuss the inspection findings.

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. The current Enforcement Policy is included on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation concerned the licensee's failure to cease distributing products containing byproduct material to persons exempt from the requirements for a license after your previous exempt distribution license expired on July 31, 2013. The violation is cited in the enclosed Notice of Violation (Notice). The NRC is citing the violation in the Notice because it was identified by the inspector.

The root cause of the violation was a misunderstanding of the requirements to renew both your exempt distribution license, as well as your possession license, prior to their expiration. As a corrective action, you submitted documentation for a new exempt distribution license on August 13, 2013. The NRC issued a new exempt distribution license to Cammenga & Associates on September 17, 2013.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned, and the date when full compliance was achieved is already adequately addressed on the docket in this letter. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

The NRC relies on its licensees to conduct their programs in accordance with the terms and conditions of their license. Although there was some confusion during the renewal process of the possession license, Cammenga & Associates had sufficient information, as early as August 6, 2013, to recognize that the distribution license expired on July 31, 2013. Your company was at least aware of the need to apply for a new license as of August 13, 2013; however, your company continued to distribute products containing tritium until being informed that you could not by e-mail on September 5, 2013. In addition, in a letter transmitting an amendment to your license dated June 19, 2013, the NRC stated that "you must conduct your program involving radioactive materials in accordance with the conditions specified in your NRC license ... to include the following: Submit a complete renewal application or termination request at least 30 days before the expiration date on your license. ... Continued distribution of products containing radioactive material after your license expires is a violation of NRC regulations."

In accordance with Title 10 of the *Code of Federal Regulations* (CFR) 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response if you choose to provide one, 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, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made publicly available without redaction.

C. Karchon

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Please feel free to contact Andrew Bramnik of my staff if you have any questions regarding this inspection. Mr. Bramnik can be reached at (630) 829-9543.

Sincerely,

/RA/

Aaron T McCraw, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-38679
License No. 21-26460-03E

Enclosure:
Notice of Violation

cc w/encl: Ms. Deborah Spykerman, Radiation Safety Officer
State of Michigan

C. Karchon

- 3 -

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cc w/encl: Ms. Deborah Spykerman, Radiation Safety Officer
State of Michigan

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DATE	3/31/2014		3/31/2014				

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NOTICE OF VIOLATION

Cammenga & Associates, LLC
Dearborn, MI

License No. 21-26460-03E
Docket No. 030-38679

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on February 28, 2014, with continued in-office review through March 13, 2014, 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* (CFR) Section 30.3 states, in part, that “no person shall manufacture, produce, transfer, receive, acquire, own, possess, or use byproduct material except as authorized in a specific or general license issued in accordance with the regulations in this chapter.”

Condition 9 of NRC License No. 21-26460-02E authorized Cammenga & Associates to distribute self-luminous compasses and knives containing sealed sources of byproduct material to persons exempt from the requirements for a license pursuant to 10 CFR 30.19.

Condition 4 of NRC License No. 21-26460-02E stated that the expiration date of the license was July 31, 2013.

Contrary to the above, between July 31, 2013, and September 5, 2013, the licensee distributed products containing sealed sources of byproduct material to persons after the distribution license had expired. Specifically, the licensee distributed products containing a total of 1,187 curies of tritium to persons exempt from the requirements for a license.

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

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and to address recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in this letter. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a “Reply to a Notice of Violation, IR 03038679/2014001(DNMS)” and send it 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.

If you choose to respond, your response will be made available electronically for public inspection in the NRC 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, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made publicly available 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 31ST day of March 2014.