

INSPECTION RECORD

Region: III

Inspection Report No. 2017001

License No. 21-25914-01

Docket No. 030-30556

Licensee: OMM Engineering, Inc.
4665 44th Street S.E., Suite A-100
Grand Rapids, MI 49512

Locations Inspected: Same as above

Licensee Contact: Douglas Hughes, Radiation Safety Officer **Telephone No.** 616-957-4350

Program Code: 03121 **Priority:** 5

Type of Inspection: ☐ Initial ☐ Routine ☐ Announced
 ☒ Special ☒ Unannounced

Last Inspection Date: 01/20/2016 **Date of This Inspection:** 12/11/2017

Next Inspection Date: 09/20/2018 ☒ Normal ☐ Reduced

Summary of Findings and Actions:

- ☐ No violations cited, clear U.S. Nuclear Regulatory Commission (NRC) Form 591 or regional letter issued
- ☐ Non-cited violations (NCVs)
- ☐ Violation(s), Form 591 issued
- ☒ Violation(s), regional letter issued
- ☐ Follow-up on previous violations

Inspector(s) Ryan Craffey, Health Physicist

/RA/ _____
Signature

Date 02/05/2018

Approved Aaron T. McCraw, Chief, MIB

/RA/ _____
Signature

Date 02/07/2018

PART I – LICENSE, INSPECTION, INCIDENT/EVENT AND ENFORCEMENT HISTORY

1. AMENDMENTS AND PROGRAM CHANGES SINCE LAST INSPECTION:

| <u>AMENDMENT #</u> | <u>DATE</u> | <u>SUBJECT</u> |
|--------------------|-------------|-------------------------------------|
| 08 | 12/18/2017 | Moved sole storage location |
| 07 (corrected) | 03/23/2016 | Corrected date of tie-down document |
| 07 | 01/19/2016 | New RSO |

2. INSPECTION AND ENFORCEMENT HISTORY:

| <u>REPORT #</u> | <u>DATE</u> | <u>TYPE</u> | <u>RESULTS</u> |
|-----------------|-------------|-------------|--|
| 2016001 | 01/20/16 | Special | SLIV – LC 12 (RSO) |
| 2013001 | 09/20/13 | Routine | SLIV – 10 CFR 71.5(a) (hazmat training) and 10 CFR 20.1101(c) |

3. INCIDENT/EVENT HISTORY:

No open items or events since the last inspection.

PART II – INSPECTION DOCUMENTATION

1. ORGANIZATION AND SCOPE OF PROGRAM:

OMM Engineering was authorized under NRC Materials License No. 21-25914-01 to use portable moisture density gauges containing sealed sources of cesium-137 and americium-241 for measuring the physical properties of materials. The licensee had two Troxler gauges, and one individual (the RSO) trained to use them. At the time of the inspection, the licensee was authorized to use and store these gauges at its office on East Paris Street in Grand Rapids, Michigan, and to use them at temporary jobsites in NRC jurisdiction. However, on October 11, 2017, the licensee notified the NRC in writing that it had moved both gauges to its new office on 44th Street in Grand Rapids.

2. SCOPE OF INSPECTION:

Inspection Procedure(s) Used: 87124

Focus Areas Evaluated: All

The inspector toured the new office on 44th Street in Grand Rapids to evaluate the licensee's measures for material security, hazard communication and exposure control. The inspector also interviewed the RSO and the president of the company to discuss the use, storage, and transportation of portable gauges, including the circumstances of the company's recent office move. The inspector also reviewed a selection of documents related to the use of the portable gauges.

3. INDEPENDENT AND CONFIRMATORY MEASUREMENTS:

Using a Canberra UltraRadiac energy-compensated GM detector calibrated on October 6, 2017, the inspector conducted independent surveys in the vicinity of the gauge storage area at the licensee's new office on 44th Street. The inspector found no readings which would indicate residual contamination or exposures to members of the public in excess of regulatory limits.

4. VIOLATIONS, NCVs, AND OTHER SAFETY ISSUES:

A. Authorized locations of use and storage

As a result of this inspection, the inspector identified a Severity Level IV violation of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 30.34(c) for the possession of licensed material at a location not authorized by Condition 10 of Amendment No. 07 (corrected copy) of NRC License 21-25914-01.

Approximately three years prior to the inspection, the licensee sold its facility on East Paris Street to another tenant, and had been leasing its own space back ever since. Recently, however, the new owner decided to expand their business, and negotiated with the licensee to end its lease at the facility. The licensee began leasing another office at a facility on 44th Street, and by October 2017 had moved its personnel to the new office, although the portable gauges and other equipment still remained at the office on East Paris Street. According to the licensee's RSO, the gauges were secured in locked transport cases, which were locked and chained to mounting points on the inside of a locked cabinet, which was located near two exterior doors which were normally locked at all times when not in use.

As part of their expansion plans, the new owner of the East Paris Street facility hired contractors to renovate parts of the building. These contractors had access to the exterior doors of the facility, but not to the gauge storage cabinet. During the first week of October 2017, the RSO returned from the field with one gauge in his possession to find that the contractors had not locked either door near the gauge storage cabinet prior to leaving for the day. Although the gauge storage cabinet was still locked, and therefore the remaining gauge still secured by at least two barriers, the RSO was nevertheless concerned about the potential security vulnerability created by others leaving exterior doors unsecured after hours.

The RSO therefore decided to move both portable gauges and the storage cabinet to the company's new office on 44th Street. The RSO instituted the same controls as described previously, except now the licensee had control over who could open the exterior doors in the area where the gauges were now kept.

Since moving the gauges to the 44th Street office, the licensee had dispatched one of its portable gauges to a temporary job site in Portage, Michigan on two occasions: once on October 17, 2017, and again on October 18.

Title 10 of the *Code of Federal Regulations* (10 CFR) Part 30.34(c) requires that each licensee confine his possession and use of byproduct materials to the locations and purposes authorized by the license.

Condition 10 of Amendment No. 07 (corrected copy) to License No. 21-25914-01 requires that licensed material be used or stored at the licensee's facilities located at 1680 East Paris, S.E., Grand Rapids, Michigan, and may be used at temporary job sites of the licensee anywhere in the United States where the U.S. Nuclear Regulatory Commission maintains jurisdiction for regulating the use of licensed material.

The licensee's storage of two portable density gauges containing licensed material for the purposes of dispatch from its new office at 4665 44th Street, S.E., Grand Rapids, Michigan, a location not authorized by Condition 10 of the license, is a violation of 10 CFR 30.34(c).

The inspector evaluated the 44th Street office and determined that the licensee's change of storage location had little radiological, programmatic, or regulatory significance, and all other safety and security requirements were met. Therefore, in accordance with the NRC's Enforcement Policy (example 6.3.D.9), the violation is appropriately characterized as a Severity Level IV.

The inspector determined that the root cause of the violation was a misunderstanding of regulatory requirements. The RSO believed that the new office could be considered a temporary job site. However, the new office was utilized only for storage of licensed material, not for the conduct of licensed activities, and therefore could not be considered a temporary job site.

As corrective action, the RSO contacted the NRC immediately after moving the gauges to inquire about how to update the license to reflect the new storage location. On October 11, 2017, the RSO provided written notification to the NRC. On December 18, 2017, the NRC amended the license (Amendment No. 08) to revise the address of the authorized storage location. During the inspection on December 11, 2017, the licensee's staff also discussed the requirements regarding authorized locations of use with the inspector.

B. Status of previously-identified violations

The licensee was previously cited in IR 03030556/2016001(DNMS) for the lack of an RSO. During this inspection, the inspector evaluated the completion and effectiveness of corrective actions taken in response to that SLIV violation. The licensee had completed the corrective actions documented in the inspection report, and the violation had not occurred again since. However, because of the short duration since the violation was identified, it will not be closed at this time. The violation should be reviewed for closure during the next routine inspection.

Because of the limited scope of this inspection, the inspector did not review the completion or effectiveness of corrective actions taken in response to SLIV violations identified in IR 03030556/2013001. These violations should be reviewed for closure during the next routine inspection as well.

5. PERSONNEL CONTACTED:

Douglas Hughes – Radiation Safety Officer
David Kuipers – President

Attended exit meeting on January 22, 2018

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