



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

September 6, 2019

EA-19-103

Mr. Daniel H. Blossfeld
General Motors, LLC
Research & Development Testing Laboratory
777 Joslyn Avenue
Pontiac, MI 48340

SUBJECT: NRC DECOMMISSIONING INSPECTION REPORT
NO. 03004779/2019001(DNMS) AND NOTICE OF VIOLATION; NRC ROUTINE
INSPECTION REPORT NO. 03004779/2019002(DNMS) AND EXERCISE OF
ENFORCEMENT DISCRETION – GENERAL MOTORS, LLC

Dear Mr. Blossfeld:

On July 25 and 26, 2019, inspectors from the U.S. Nuclear Regulatory Commission (NRC) conducted decommissioning and routine inspections at your facilities in Warren and Pontiac, Michigan with continued in-office review through August 12, 2019. The purpose of these inspections 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 of information associated with the dates that principal activities ceased at the Warren, Michigan facility. Mr. Michael LaFranzo and Mr. Ryan Craffey of my staff conducted a final exit meeting by telephone with you on August 12, 2019, to discuss the inspection findings.

During these inspections, 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 inspections consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on the results of the decommissioning inspection, the NRC has determined that a 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 provide timely notification to the NRC that it had decided to permanently cease principal activities at its Warren, Michigan facility, as required by Title 10 of the *Code of Federal Regulations* (CFR) 30.36(d). The violation is cited in the enclosed Notice of Violation (Notice). The NRC is citing the violation in the enclosed Notice because the inspector identified the violation.

The inspectors determined that the root cause of the violation was the lack of awareness for the requirements to notify the NRC in accordance with 10 CFR 30.36(d). As immediate corrective action to restore compliance, you submitted a notification letter dated June 21, 2019 associated with the cessation of principal activities at the Warren, Michigan facility.

You are required to respond to this letter finding 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. In particular, the NRC would like to you address the methods the licensee will use to ensure future compliance with 10 CFR 30.36(d). 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.

Based on the results of the routine inspection, the NRC has determined that a second violation of NRC requirements occurred. The violation concerned the failure to confine the possession and use of byproduct material to the purposes authorized by NRC Materials License No. 21-00016-04, as required by 10 CFR 30.34(c).

The inspectors found that in late 2018 or early 2019, you took possession of a Pyrotronics Model FES 5 smoke detector containing approximately 40 microcuries of radium-226 (Ra-226), with the intent of disposing at a later date. Although Conditions 6.D and 8.D of your license do authorize the possession of discrete sources of Ra-226 in such quantities, the source was not one approved for licensing purposes pursuant to 10 CFR 32.74 or equivalent Agreement State regulations, as required by Condition 7.D; nor was it used for research and development as defined in 10 CFR 30.4, the only authorized use permitted by Condition 9.D.

The NRC normally considers issuing a citation, at minimum, for violations involving the unauthorized possession of radioactive material. However, the agency recognizes that you were unaware of the revisions made by the Energy Policy Act of 2005 which subjected all discrete sources of Ra-226 to NRC licensing requirements. Therefore, in accordance with EGM-09-004, "Interim Guidance for Dispositioning Violations of Naturally Occurring and Accelerator-Produced Radioactive Materials (NARM) Requirements," the NRC has decided to exercise discretion and not cite a violation of 10 CFR 30.34(c) in this instance because (1) this violation did not result in actual safety, security, or health consequences; (2) the violation was not willful; (3) you were unaware that all discrete sources of radium-226 were now subject to NRC licensing requirements; (4) you took timely and effective corrective action to request NRC approval for possession of this source in storage pending disposal.

The inspectors determined that the root cause of the finding was the lack of awareness of licensing requirements for this source. As corrective action, the licensee: (1) collected and analyzed a leak test of the device and found no evidence of leakage; (2) committed to include this source on future inventories and perform leak tests when required; (3) queried other departments within the organization and identified no other discrete sources of radioactive material which required but lacked specific authorization from the NRC to possess; and (4) submitted a request for authorization to possess the abovementioned source in storage pending disposal at a later date.

The NRC has concluded that information regarding the reason for the finding, the corrective actions taken and planned to correct the finding and prevent recurrence, and the date when full compliance was or will be achieved is already adequately addressed on the docket in this letter. Therefore, you are not required to respond to this finding 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, please clearly mark your response as "Reply to NRC Routine

Inspection Report No. 03004779/2019002(DNMS)" and submit 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 this letter.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," 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, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made publicly available without redaction.

If you have any questions regarding the decommissioning inspection, please feel free to contact Mr. LaFranzo at 630-829-9865. If you have any questions regarding the routine inspection, please feel free to contact Mr. Craffey at 630-829-9655.

Sincerely,

/RA/

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

Docket No. 030-04779
License No. 21-00016-04

Enclosure:
Notice of Violation

cc w/encl: State of Michigan

Letter to Daniel Blossfeld from Aaron McCraw dated September 6, 2019.

SUBJECT: NRC DECOMMISSIONING INSPECTION REPORT NO.
03004779/2019001(DNMS) AND NOTICE OF VIOLATION /NRC ROUTINE
INSPECTION REPORT NO. 03004779/2019002(DNMS) AND EXERCISE OF
ENFORCEMENT DISCRETION – GENERAL MOTORS, LLC

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OFFICE	RIII-DNMS	C	RIII-DNMS	C	RIII-DNMS	C	RIII-EICS	C
NAME	MLaFranzo:brt/ps		RCraffey		MKunowski		JCameron	
DATE	8/30/2019		8/28/2019		9/03/2019		9/04/2019	
OFFICE	RIII-DNMS	C						
NAME	AMcCraw							
DATE	9/6/2019							

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

General Motors LLC
Warren, Michigan

License No. 21-00016-04
Docket No. 030-04779

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on July 25, 2019, with continued in-office review through August 12, 2019, 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) Part 30.36(d) requires, in part, that licensees provide notification to the NRC in writing within 60 days of any of the following occurrences:

- (1) The license has expired,
- (2) The licensee has decided to permanently cease principal activities at the entire site or in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with NRC requirements,
- (3) No principal activities under the license have been conducted for a period of 24 months, or
- (4) No principal activities have been conducted for a period of 24 months in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with NRC requirements.

Contrary to the above, in November 2016, General Motors, LLC decided to permanently cease principal activities at a separate building and outdoor area that contains residual radioactivity such that the building or outdoor area was unsuitable for release in accordance with NRC requirements, and the licensee failed to notify the NRC in writing within 60 days of this occurrence. Specifically, the licensee did not notify the NRC of this occurrence until June 21, 2019.

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

Pursuant to the provisions of 10 CFR 2.201, General Motors, 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 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 was or 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.

Enclosure

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. 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>. To the extent possible, your response should not include any personal privacy, proprietary, or security related information so that it can be made publicly available without redaction.

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

Dated this 6TH day of September, 2019.