

INSPECTION RECORD

Region: III

Inspection Report No. 2019001

License No. 13-17732-01

Docket No. 030-13245

Licensee: ATC Group Services, LLC
7988 Centerpoint Drive, Suite 100
Indianapolis, IN 46256

Locations Inspected: 4600 Sunset Avenue, Indianapolis, IN (temporary job-site)

Licensee Contact: Aaron Daniels, RSO **Telephone No.** 317-579-4093

Program Code: 03121 **Priority:** 5

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

Last Inspection Date: 8/24/2016

Date of This Inspection: 10/22/2019

Next Inspection Date: 8/24/2021

☒ 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

Inspectors: Edward Harvey, Health Physicist

/RA/

Signature

Date 12/20/2019

Approved: Robert Ruiz, Acting Branch Chief, MIB

/RA by Michael Kunowski for/

Signature

Date: 12/23/2019

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>
34	1/23/2018	Change of field office locations and removal of depleted uranium.
33	4/18/2017	Addition of depleted uranium for storage incident to disposal.

2. INSPECTION AND ENFORCEMENT HISTORY:

The last inspection of this licensee was a special inspection conducted on January 25, 2017. One Severity Level IV Noncited violation was identified concerning the licensee's failure to limit the possession of source material to that material authorized under a specific or general license, as required by Title 10 of the *Code of Federal Regulations* (CFR) Section 40.3.

The previous routine inspection was conducted on August 24, 2016, and no violations were identified.

3. INCIDENT/EVENT HISTORY:

No open items or events since the last routine inspection.

PART II - INSPECTION DOCUMENTATION

1. ORGANIZATION AND SCOPE OF PROGRAM:

ATC Group Services LLC is authorized under NRC Materials License No. 13-17732-01 to use licensed material for measuring physical properties of materials with nuclear gauging devices. Licensed material is authorized to be used at five locations listed on the license and anywhere in the United States within areas of NRC jurisdiction. The licensee uses the gauges daily for construction engineering projects throughout the Indiana area. The licensee uses Troxler Model 3430 and 3440 portable gauges, containing cesium-137 and americium-241.

2. SCOPE OF INSPECTION:

Inspection Procedure(s) Used: 87124

Focus Areas Evaluated: All

This was a limited scope inspection of a temporary jobsite where the licensee was conducting licensed activities in Indianapolis, Indiana. The inspection consisted of interviews with a gauge user and the licensee's RSO regarding the licensee's procedures for using and transporting the portable gauge. The inspector also reviewed

the licensee's shipping papers for the gauge, which contained all necessary information. The inspector performed independent surveys of the jobsite and found no readings that would indicate exposures above regulatory limits.

3. VIOLATIONS, NCVs, AND OTHER SAFETY ISSUES:

On October 22, 2019, the inspector identified a violation concerning the licensee's failure to maintain constant control and surveillance of a portable gauge, while not in storage, as required by Title 10 of the *Code of Federal Regulations* (CFR) Section 20.1802

Specifically, the inspector was conducting an independent inspection of a private university when he observed an unattended portable gauge within an enclosed construction site on the university's campus. The inspector entered the construction site and determined that the operator had left the gauge unattended to return to his vehicle between measurements to record data from the previous measurement. Upon identification by the inspector, the operator immediately regained control of the gauge and brought it back to his vehicle to await the next measurement. The inspector noted that the vehicle was of sufficient distance and oriented in such a way that adequate control and surveillance of the gauge was not achievable. The gauge (serial number 24316) contained a nominal 9-millicurie cesium-137 sealed source and a nominal 44-millicurie americium-241 sealed source.

In accordance with the Enforcement Policy, this violation would normally be categorized at Severity Level III and considered for escalated enforcement action. However, in accordance with NRC Enforcement Guidance Memorandum (EGM) 18-002, issued August 1, 2018, the NRC is exercising enforcement discretion to categorize this violation as a Severity Level IV violation because (1) the failure to maintain control and constant surveillance of the portable gauge occurred during operational conditions; (2) the failure to maintain control and constant surveillance of the portable gauge was an isolated, non-willful occurrence and the non-compliance was of short duration and circumstance and did not cause a security access concern; and (3) no unauthorized individual contact with the portable gauge occurred and no unintended exposure to an individual occurred.

The inspector determined that the root cause of the violation was a lapse in oversight on behalf of the authorized portable gauge operator. As corrective action to restore compliance, the gauge user immediately regained control of the portable gauge following identification of the violation by the NRC inspector. As corrective actions to prevent recurrence of a similar violation, the RSO reviewed this incident and the importance of gauge control with all other gauge users employed by the license and required all gauge users to complete a portable nuclear gauge safety refresher course. These corrective actions were fully implemented as of November 25, 2019.

5. PERSONNEL CONTACTED:

Olalekan Agoro
Aaron Daniels

Attended exit meeting on November 26, 2019.

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