



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

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

March 16, 2018

EA-17-201

Mr. James Cruickshank
Radiation Safety Officer
Prein & Newhof
3355 Evergreen Drive NE
Grand Rapids, MI 49525

SUBJECT: NOTICE OF VIOLATION – PREIN & NEWHOF; NRC ROUTINE INSPECTION
REPORT NO. 03028571/2017001 (DNMS)

Dear Mr. Cruickshank:

This letter refers to the U.S. Nuclear Regulatory Commission (NRC) inspection conducted on November 16, 2017, and November 17, 2017, at your Grand Rapids, Cadillac, and Kalamazoo, Michigan facilities with continued in-office review through January 2, 2018. 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. During the inspection, an apparent violation of NRC requirements was identified. The circumstances surrounding this apparent violation, the significance of the issue, and the need for lasting and effective corrective actions were discussed with you during an exit meeting on January 4, 2018. Details regarding the apparent violation were provided in NRC Inspection Report No. 03028571/2017001(DNMS), dated January 22, 2018. The inspection report can be found in the NRC's Agencywide Documents Access and Management System (ADAMS) at Accession Number ML18022A209. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

In the letter transmitting the inspection report, we provided you with the opportunity to address the apparent violation identified in the report by: (1) providing a written response, or (2) requesting a pre-decisional enforcement conference. You provided a written response to the apparent violation in a letter dated February 15, 2018, which can be found in the NRC's ADAMS at Accession Number ML18065A186.

Based on the information developed during the inspection, as well as information you provided in your response dated February 15, 2018, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the subject inspection report. The violation involved the failure to use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee, as required by Title 10 of the *Code of Federal Regulations* (CFR) Section 30.34(i). Specifically, on two occasions between November 9, 2017, and November 17, 2017, the portable gauges were left in two different vehicles each with only one control to prevent unauthorized removal when not under constant surveillance by your staff.

You indicated that the root cause was your staff's failure to follow established procedures for locking and bracing gauges. The NRC inspector identified two examples of a violation of 10 CFR 30.34(i). In both instances the gauge cases had locks on both the hasps to provide a barrier to prevent removal of the gauge from the case. However, there was only one control (a locked chain around the case handle) to prevent removal of the entire case, with the gauge inside, from the vehicle.

The failure to properly secure the gauges from unauthorized removal when they are not under your control and constant surveillance is of significant concern to the NRC because of the potential for unauthorized individuals to gain control of the radioactive material and misuse it. Normally, the failure to secure a gauge, when only one level of physical control existed, there was no loss of material, and the failure was not repetitive, is categorized, in accordance with the NRC Enforcement Policy, at a Severity Level IV. However, this violation is considered repetitive in that we identified two examples during this inspection and previously issued you a Severity Level IV violation of 10 CFR 34(i) in a letter dated March 28, 2013. Therefore, this violation has been categorized, in accordance with the NRC Enforcement Policy, at Severity Level III.

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$7,250 is considered for a Severity Level III violation. Because your facility has not been the subject of escalated enforcement action within the last two inspections, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment in Section 2.3.4 of the Enforcement Policy. Specifically, your immediate corrective actions included properly securing the gauges, providing adequate locks and chains to secure the gauge boxes to the vehicles in accordance with the regulations, and sending out an email with photo descriptions to staff of how gauges are to be secured to vehicles. You also indicated that you, as the Radiation Safety Officer, will discuss this further during the next scheduled Radiation Safety and Gauge Seminar and will perform additional unscheduled site visits of the authorized gauge users. Based on the corrective actions discussed above, credit for *Corrective Action* is warranted.

Therefore, to encourage prompt and comprehensive correction of violations, and in recognition of the absence of previous escalated enforcement action, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty. In addition, issuance of this Severity Level III violation constitutes escalated enforcement action that may subject you to increased inspection effort. The NRC includes significant enforcement actions on its Web site at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>.

The NRC has concluded that information regarding: (1) the reason for the violation; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in the inspection report and your written response dated February 15, 2018. Therefore, you are not required to respond to the Notice enclosed with this letter unless the description therein 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.

In accordance with 10 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 Public Document Room and in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response, if you choose to provide one, should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response,

please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such information, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

Sincerely,

/RA by Patrick L. Loudon acting for/

K. Steven West
Regional Administrator

Docket No. 030-28571
License No. 21-18663-02

Enclosure:
Notice of Violation

cc w/encl: State of Michigan

Letter to James Cruickshank from K. Steven West dated March 16, 2018

SUBJECT: NOTICE OF VIOLATION – CONSTRUCTION CONSULTING & TESTING;
NRC ROUTINE INSPECTION REPORT NO. 03028571/2017001(DNMS)

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ADAMS Accession No.: ML

OFFICE	RIII		RIII		RIII		RIII		RIII
NAME	SBakhsh*		AMcCraw		JGiessner		RSkokowski		SWest PLL for
DATE	02/27/18		03/12/18		03/12/18		03/15/18		03/16/18

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NOTICE OF VIOLATION

Prein & Newhof
Grand Rapids, Michigan

Docket No. 030-28571
License No. 21-18663-02
EA-17-201

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on November 16-17, 2017, with continued in-office review through January 2, 2018, a 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(i) requires that each portable gauge licensee shall use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.

Contrary to the above, on multiple occasions between November 9, 2017, and November 17, 2017, the licensee failed to use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal whenever portable gauges are not under the control and constant surveillance of the licensee. Specifically, the licensee left portable gauges in two different vehicles, each with only one control to prevent unauthorized removal when not under the control and constant surveillance of the licensee.

This is a Severity Level III violation (Sections 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 prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in Inspection Report No. 03028571/2017001(DNMS), and your response dated February 15, 2018. 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, EA-17-201" 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, 2443 Warrenville Road, Suite 210, Lisle, IL 60532, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

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, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site 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.

In accordance with 10 CFR 19.11, you may be required to post this Notice within 2 working days of receipt.

Dated this 16th day of March, 2018.

Enclosure