

August 17, 2010

Mr. John Thornton
Corporate Radiation Safety Officer
Professional Service Industries, Inc.
1901 South Meyers Road. Suite 400
Oakbrook Terrace, Illinois 60181

SUBJECT: NRC INSPECTION REPORT NO. 030-11906/10-01(DNMS) AND NOTICE OF VIOLATION – PROFESSIONAL SERVICE INDUSTRIES, INC.

Dear Mr. Thornton:

On March 4, 2010, the U.S. Nuclear Regulatory Commission (NRC) conducted an inspection at your temporary job site in Ponce, Puerto Rico, with continued NRC in-office review through August 3, 2010. The NRC in-office review included receipt and review of information related to the shipment of byproduct materials. A telephone exit meeting between yourself and Andrew Bramnik of my staff was conducted on August 3, 2010, to discuss the inspection findings.

This inspection was an examination of activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations, transfer of byproduct material, and compliance with Department of Transportation (DOT) requirements. 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 two Severity Level IV violations of NRC requirements occurred. The violations were 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 two violations involved the failure to: (1) verify by an acceptable method that a transferee's license authorized the receipt of the type, form, and quantity of byproduct material to be transferred; and (2) comply with DOT requirements to possess a shipping paper while transporting hazardous material. The violations are being cited because they were identified by the NRC. The potential corrective actions to address the above violations were discussed between yourself and members of the NRC staff during the site inspection and via telephone.

The violations are cited in the enclosed Notice of Violation (Notice). You are required to respond to this letter 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 helpful. 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.

J. Thornton

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In accordance with Title 10 Code of Federal Regulations (CFR) Part 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 or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC 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 available to the Public without redaction.

We will gladly discuss any questions you have concerning this inspection.

Sincerely,

/RA/

Tamara E. Bloomer, Chief
Materials Inspection Branch

Docket No. 030-11906
License No. 12-16941-01

Enclosure:
Notice of Violation

cc w/ encl: State of Illinois
 State of Florida
 Commonwealth of Puerto Rico

J. Thornton

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Tamara E. Bloomer, Chief
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Enclosure:
Notice of Violation

cc w/ encl: State of Illinois
 State of Florida
 Commonwealth of Puerto Rico

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NOTICE OF VIOLATION

Professional Service Industries, Inc.
Oakbrook Terrace, Illinois

Docket No. 030-11906
License No. 12-16941-01

During an U.S. Nuclear Regulatory Commission (NRC) inspection conducted March 4, 2010, with continued NRC in-office review through August 3, 2010, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Title 10 Code of Federal Regulations (CFR) Part 30.41(c) requires that, prior to transferring byproduct material, the licensee verify that the transferee's license authorizes the receipt of the type, form, and quantity of byproduct material to be transferred. 10 CFR 30.41(d) specifies acceptable methods for this verification.

Contrary to the above, on June 3, 2008, and on multiple occasions between October 13, 2009 and March 4, 2010, prior to the transfer of byproduct material, the licensee failed to verify that Victor E. Rivera Associates (the transferee) license authorized receipt of a Troxler portable moisture/density gauge containing sealed sources of cesium-137 and americium-241, by an acceptable method. Specifically, the gauge was held in storage at the transferee's controlled facility between June 3, 2008 and March 31, 2009, and on multiple occasions between October 13, 2009 and March 4, 2010.

This is a Severity Level IV violation (Supplement VI).

- B. 10 CFR 71.5(a) requires that a licensee who transports licensed material outside of the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 170 through 189.

49 CFR 177.817(a) requires that a carrier not transport a hazardous material unless it is accompanied by a shipping paper prepared in accordance with 49 CFR 172.200-203. Pursuant to 49 CFR 172.101, radioactive material is classified as a hazardous material.

Contrary to the above, on multiple occasions between October 13, 2009 and March 4, 2010, the licensee transported a Troxler portable moisture/density gauge containing sealed sources of cesium-137 and americium-241 outside the confines of its plant without a shipping paper. Specifically, the licensee transported the gauge between a temporary job site and the Victor E. Rivera Associates facility, and did not possess a shipping paper for ground transportation.

This is a Severity Level IV violation (Supplement V)

Pursuant to the provisions of 10 CFR 2.201, Professional Service Industries, Inc. 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 for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or 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 will be achieved. Your response may reference or include previous 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.

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.

Because 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 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 available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then 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 material, 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). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

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

Dated this 17th day of August 2010.