



UNITED STATES
NUCLEAR REGULATORY COMMISSION

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

May 13, 2011

Mr. David L. Morrill, P.E.
Vice President
McGhie & Betts, Inc.
1648 Third Avenue, S.E.
Rochester, MN 55904

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 030-31178/11-01(DNMS) AND
NOTICE OF VIOLATION – MCGHIE & BETTS, INC.

Dear Mr. Morrill:

On May 3, 2011, the U.S. Nuclear Regulatory Commission (NRC) inspector conducted an inspection at your office in Rochester, Minnesota. The results of the inspection were discussed with you and members of your staff at the exit meeting held at the completion of on-site activities.

During this inspection, the NRC staff examined activities conducted under your license as they relate to public health and safety to confirm compliance with the Commission's rules and regulations and with the conditions of your license. 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 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 Web site at (<http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>). The violation is cited in the enclosed Notice of Violation (Notice). The violation concerned the failure to have the current Radiation Safety Officer (RSO) specifically named on your license. Condition No. 12.A. of your NRC license lists your RSO as Russell Smith; however, Russell Smith left the company in December 2009 and Barry Hentz has been performing the duties of the RSO since then. As corrective action, you submitted an amendment request to NRC on May 3, 2011, to change the RSO listed on the license to Barry Hentz. The root cause of the violation was the belief that a request to change the RSO on the State of Minnesota license would be forwarded to the NRC by the State. The violation is being cited in the Notice because it was identified by the inspector rather than being identified by McGhie & Betts, Inc. staff.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance will be achieved is already adequately addressed on the docket in this letter. Therefore, you are not required to respond to this letter 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, you should follow the instructions specified in the enclosed Notice.

D. Morrill

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If you contest the violation, you should provide a response within 30 days of the date of this inspection report, with the basis for your denial, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001, with copies to the Regional Administrator, Region III and the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

In accordance with Title 10 of the Code of Federal Regulations (10 CFR), Section 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 Web site 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.

Sincerely,



Tamara E. Bloomer, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-31178
License No. 22-23403-01

Enclosure:
Notice of Violation

cc w/encl: Barry Hentz, Radiation Safety Officer
State of Minnesota

D. Morrill

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If you contest the violation, you should provide a response within 30 days of the date of this inspection report, with the basis for your denial, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001, with copies to the Regional Administrator, Region III and the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

In accordance with Title 10 of the Code of Federal Regulations (10 CFR), Section 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 Web site 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.

Sincerely,

/RA/

Tamara E. Bloomer, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-31178
License No. 22-23403-01

Enclosure:
Notice of Violation

cc w/encl: Barry Hentz, Radiation Safety Officer
State of Minnesota

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DATE	05/12/11		05/13/11				

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NOTICE OF VIOLATION

McGhie & Betts, Inc.
Rochester, Minnesota

Docket No. 030-31178
License No. 22-23403-01

During an NRC inspection conducted on May 3, 2011, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

NRC License No. 22-23403-01, Condition No. 12.A., states that the Radiation Safety Officer (RSO) for this license is Russell Smith.

Contrary to the above, since December 2009, the RSO for this license was not the named individual.

This is a Severity Level IV violation (Section 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 prevent recurrence, and the date when full compliance will be achieved, is already adequately addressed on the docket in the letter transmitting this Notice of Violation (Notice). However, you are required to submit a written statement or explanation pursuant to Title 10 of the Code of Federal Regulations (10 CFR), Section 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, Inspection Report No. 030-31178/11-01(DNMS)," 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, within 30 days of the date of the letter transmitting this Notice.

If you choose to respond, 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 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 two working days of receipt.

Dated this 13th day of May 2011

Enclosure