

February 28, 1997

EA 96-490

Mr. Fred M. Haag  
Corporate Radiation Safety Officer  
Professional Service Industries, Inc.  
3120 Sovereign Drive, Suite C  
Lansing, MI 48911

SUBJECT: NOTICE OF VIOLATION  
(NRC Augmented Inspection Team (AIT)/Special Inspection Report  
No. 030-31533/96002(DNMS))

Dear Mr. Haag:

This refers to the special inspection conducted on November 19, 1996, at the Professional Service Industries, Inc. (PSI), Detroit, Michigan, facility. The purpose of the inspection was to determine whether possible generic issues involving training and implementation of safety procedures at PSI field offices exist. At the Detroit facility, one of five visited by the AIT, the team observed that a gauge was not secured from unauthorized removal while it was located in the back of a PSI pickup truck parked at a construction site at the Henry Ford Community College. The findings of the Detroit facility inspection were mailed to PSI in the subject report dated January 2, 1997.

Based on the information developed during the inspection and the information provided in a letter from PSI dated January 31, 1997, the NRC has determined that a significant violation of NRC requirements occurred. This 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 is attributed to the failure of the gauge operator to follow PSI radiation safety procedures to secure or maintain constant surveillance of material. This matter is of significant regulatory concern because a device containing NRC-licensed material was allowed to be left unsecured and uncontrolled in an unrestricted area. It was fortuitous that the device was not stolen or used improperly. Incumbent upon each NRC licensee is the responsibility to protect public health and safety, and the health and safety of its employees, by ensuring that all NRC requirements are met, and in particular, that NRC-licensed material is controlled so that it is not lost or damaged and does not become a hazard to the public. The incident indicates a lack of effective training to ensure that NRC-licensed material is appropriately safeguarded. This violation represents a significant failure to control licensed material and is categorized at Severity Level III in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600.

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In accordance with the Enforcement Policy, a base civil penalty in the amount of \$2,500 is considered for a Severity Level III Violation. Your facility has not been the subject of NRC escalated enforcement action; therefore, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section VI.B.2 of the Enforcement Policy. Credit was warranted for the following corrective actions: in order to clearly communicate security and control requirements to operators, the PSI Radiation Safety Guideline RSG-97-01 was developed, which clearly describes how the device is to be transported and secured; all gauge operators received a copy of the procedure by mail; the procedure has been incorporated into the training program to verify that operators understand the requirements; retraining was provided for all operators working out of the Michigan office; and RSG-97-01 will be incorporated into the next revision of PSI's operation and emergency procedures.

Therefore, to encourage prompt and comprehensive corrective actions, I have decided 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 has concluded that information regarding the reasons for the violation, and the corrective actions taken and planned to correct the violation and prevent recurrence are already adequately addressed in a letter from PSI dated January 31, 1997. Therefore, you are not required to respond to 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 2.790 of the NRC's "Rules of Practice," a copy of this letter, the enclosed Notice, and your response if you choose to respond, will be placed in the NRC Public Document Room.

Sincerely,

Original signed by A. Bill Beach

A. Bill Beach  
Regional Administrator

Docket No. 030-20479  
License No. 34-21301-01

Enclosure: Notice of Violation

DOCUMENT NAME: G:\EICS\96-490.ENF

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## NOTICE OF VIOLATION

Professional Service Industries, Inc.  
Lansing, Michigan

Docket No. 030-31533  
License No. 21-26141-01  
EA 96-490

During an NRC inspection conducted on November 19, 1996, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 20.1801 requires that the licensee secure from unauthorized removal licensed materials that are stored in an unrestricted area. 10 CFR 20.1802 requires that the licensee control and maintain constant surveillance of licensed material that is in an unrestricted area and that is not in storage. As defined in 10 CFR 20.1003, an unrestricted area means an area, access to which is neither limited nor controlled by the licensee.

Contrary to the above, on November 19, 1996, the licensee did not secure from unauthorized removal or limit access to a Campbell Pacific Nuclear moisture/density gauge containing NRC-licensed material (nominally 10 millicuries (370 Mbq) of cesium-137 and nominally 50 millicuries (1850 Mbq) of americium-241 in sealed sources) at a construction site in Detroit, Michigan, an unrestricted area, nor did the licensee control and maintain constant surveillance of this licensed material. (01013)

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

The NRC has concluded that information regarding the reasons for the violation, and the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed in a letter from PSI dated January 31, 1997. However, you are required to respond to the provisions of 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," and send it to the U. S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region III, 801 Warrenville Road, Lisle, Illinois 60532-4351, within 30 days of the date of the letter transmitting this Notice of Violation.

Dated at Lisle, Illinois  
this 28th day of February 1997