

July 6, 2016  
EN 16-015

OFFICE OF ENFORCEMENT  
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Patriot Engineering and Environmental, Inc. EA-16-075  
Indianapolis, Indiana

Subject: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL  
PENALTY - \$3,500

This is to inform the Commission that a Notice of Violation and Proposed Imposition of a Civil Penalty in the amount of \$3,500 will be issued on or about July 11, 2016, to Patriot Engineering and Environmental, Inc., (licensee) for a Severity Level (SL) III violation. The violation involved the failure to control and maintain constant surveillance over licensed material that was not in storage and failure to use a minimum of two independent physical controls to secure the portable gauge as required by 10 CFR 20.1802 and 30.34(i). Specifically, on March 8, 2016, an authorized user left a portable gauge unattended and unsecured, and the gauge was subsequently driven over. The gauge was returned to the manufacturer who performed a leak test and determined that the source was not leaking.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$3,500 is considered for a Severity Level III violation. Since the licensee had been subject to escalated enforcement action within the last two years and did not identify the violation, a civil penalty appeared to be warranted. Therefore, the licensee was given the opportunity to: (1) respond in writing, (2) request a PEC, or (3) participate in an ADR mediation session. The licensee provided a written response.

The NRC considered whether credit was warranted for both Identification and Corrective Action in accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy. Credit for identification was not warranted because the violation was identified as a result of an event as the unattended gauge was driven over by a vehicle. However, credit for corrective action was warranted. The corrective actions included: (1) retraining authorized gauge users at all branch offices regarding the importance of security and handling of gauges; (2) elevating the importance of proper use, transportation and security of gauges through daily interactions with field supervisor; (3) performing periodic site safety inspections at temporary job sites; and (4) retraining the authorized gauge user involved in the incident.

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

|                                    |               |
|------------------------------------|---------------|
| Mailing of Notice                  | July 11, 2016 |
| Telephone Notification of Licensee | July 11, 2016 |

The State of Indiana will be notified.

|   |                                     |
|---|-------------------------------------|
| CONTACTS: Kerstun Norman, OE/EB<br>301-415-1252 | Robert Fretz, OE/EB<br>301-415-1980 |
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| <b>NAME</b>   | KNorman  | RFretz   |
| <b>DATE</b>   | 07/06/16 | 07/06/16 |

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