



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

June 22, 2018

Derrick S. Chan, Radiation
Safety Officer
PSC Consultants, LLC
94-547 Ukee Street, Suite 210
Waipahu, Hawaii 96797

SUBJECT: NRC INSPECTION 030-31973/2018-001 AND NOTICE OF VIOLATION

Dear Mr. Chan:

This letter refers to the unannounced inspection conducted on May 17, 2018, at your facility in Waipahu, Hawaii. The inspection was an examination of activities conducted under your license as they relate to public health and safety, to confirm compliance with the U.S. Nuclear Regulatory Commission's (NRC) rules, regulations, and with the conditions of your license. Within these areas, the inspection consisted of a selected examination of procedures and representative records, observations of licensed activities, and interviews with personnel. The inspection findings were discussed with you during an exit meeting on May 29, 2018.

Based on the results of this inspection, the NRC has determined that four Severity Level IV violations of NRC requirements occurred. The violations were evaluated in accordance with the NRC Enforcement Policy, which can be found at the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violations are cited in the enclosed Notice of Violation (Notice) because they were identified by the NRC during the inspection. The violations involved a repeat failure to perform leak tests for removable contamination of radioactive material, a repeat failure to perform a physical inventory for each gauge at least every 6 months, a repeat failure to review the radiation protection program content and implementation, and a failure to properly secure a portable gauge from unauthorized removal.

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 in preparing your response. You can find the Information Notice on the NRC website at: <http://pbadupws.nrc.gov/docs/ML0612/ML061240509.pdf>. Information regarding (1) the reason for the violation, (2) the corrective actions already taken, and (3) those planned to correct the violation and prevent recurrence, and (4) the date when full compliance will be (was) achieved needs to be addressed. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

To the extent possible, your response should not include any personal privacy or proprietary information so that it can be made available to the Public without redaction. If personal 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 Title 10 of the Code of Federal Regulations (CFR) 2.390(b) to support a request for withholding confidential commercial or financial information).

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter, its enclosure, and 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>.

Should you have any questions regarding this letter or the enclosed Notice, please contact Jason C. Dykert at 817-200-1427 or the undersigned at 817-200-1455.

Sincerely,

/RA/

Michael C. Hay, Chief
Materials Licensing and Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-31973
License No. 53-29090-01

Enclosure:
Notice of Violation

cc w/enclosure:
J. Eckerd, Manager
Hawaii Radiation Control Program

NRC INSPECTION 030-31973/2018-001 AND NOTICE OF VIOLATION DATED - Date 22, 2018

DISTRIBUTION:

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ADAMS ACCESSION NUMBER: **ML18177A073**

SUNSI Review: ADAMS: Non-Publicly Available Non-Sensitive Keyword:
By: JCD Yes No Publicly Available Sensitive

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NOTICE OF VIOLATION

PSC Consultants, LLC
Waipahu, Hawaii

Docket No. 030-31973
License No. 53-29090-01

During an NRC inspection conducted on May 17, 2018, four violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. License Condition 13 A. of NRC License 53-29090-01 requires, in part, that sealed sources shall be tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or by an Agreement State.

Contrary to the above, in 2015, 2016 and 2018, the licensee failed to ensure that sealed sources were tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or by an Agreement State. Specifically, the licensee failed to leak test portable nuclear gauges for removable contamination of radioactive material at least annually, as required by the certificate of registration.

This is a repeat Severity Level IV violation (Section 6.7.d.4).

- B. License Condition 15 of NRC License 53-29020-01 requires, in part, that the licensee conduct a physical inventory every 6 months to account for all sources and/or devices received and possessed under the license. Records of inventories shall be maintained for 5 years from the date of each inventory, and shall include the radionuclides, quantities, manufacturer's name and model numbers, and the date of the inventory.

Contrary to the above, from 2007 to 2018, the licensee failed to conduct a physical inventory every 6 months to account for all sealed sources and/or devices received and possessed under the license. Specifically, the licensee had not performed physical inventories from September 27, 2007, through May 17, 2018, a period that exceeded 6 months.

This is a repeat Severity Level IV violation (Section 6.3.d.3).

- C. 10 CFR 20.1101(c) requires that the licensee shall periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, from 2014 to 2018, the licensee failed to periodically (at least annually) review the radiation protection program content and implementation.

This is a repeat Severity Level IV violation (Section 6.3.d).

- D. 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.

Enclosure

Contrary to the above, on May 17, 2018, 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, one portable gauge was stored in a rolling case and had only one barrier to prevent unauthorized removal.

This is a Severity Level IV violation (Section 6.3.d.10).

Pursuant to the provisions of 10 CFR 2.201, PSC Consultants, LLC, 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 IV, 1600 E. Lamar Blvd. Arlington, Texas 76011, 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 the 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 requiring information 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, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

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>. 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. If Classified Information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR Part 95.

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

Dated this 22nd day of June 2018