

March 25, 2024

United States Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington DC 20555-0001

**RE: Response to the Apparent Violations in Inspection
Report No. 0302857/2023001(DRSS)
License No. 21-18663-02**

We are submitting this letter in response to a Notice of Violation letter dated March 22, 2024, addressing the deficiencies noted during an on-site inspections of our Grand Rapids, Cadillac, and Kalamazoo facilities by Mr. Ryan Craffey and Ms. Elizabeth Tindle-Englemann of your Division of Nuclear Materials Safety office on April 13, and September 18-21, 2023. Our initial response to the deficiencies noted during the on-site inspection were addressed immediately with corrective actions. Emails were sent to Ms. Elizabeth Tindle-Englemann with descriptions of the response and included pictures of the changes. Also detailed were the events that led to a gauge being damaged and not reported to the NRC within 24 hours. Our formal response to the Notice of Violation letter, addressing each of the deficiencies is presented below.

**Violation of Title 10 CFR 30.50(b)(2): Failed to notify the NRC
within 24 hours after the discovery of an event in which equipment was disabled or
failed to function as designed.**

On October 5, 2022, one of our users, Micheal Anderson, had a gauge damaged while being used which required the licensee to notify the NRC within 24 hours of event. There was a period greater than the 24 hours required between the event and notification due to miscommunication between Prein & Newhof staff and the past RSO, who was on vacation when this issue arose.

To address this situation, a new employee has since been assigned to the role of RSO and a procedure to be followed during vacations to provide a backup person have as been agreed upon. The new RSO will maintain compliance with the rules and regulations as it pertains to Title in 10 CFR 30.50(b)(2).

Violation of Title 10 CFR 30.34(i): Improperly Secured Gauge In Company Vehicles

On September 18, 2023, one vehicle at our Cadillac facility did not have the topper of the truck locked and, as a result, there was only one level of security for gauge and case theft once the truck was out of the user's sight. The transportation case and gauge were still secured in the truck by the locks on the case, but only one end handle was locked and chained to the sidewall of the truck bed.

To resolve this situation, the truck topper was immediately locked to provide the second level of security. However, P&N will no longer rely on locked truck toppers to provide security from theft (with respect to Title 10 CFR 30.34(i)), and adequate locks and chains will be provided to secure the gauge box to all P&N vehicles used for this purpose.

The root cause for the violations of Title 10 CFR 30.34(i) was failure of the individual user in question to follow established procedures for locking and bracing the gauges during transport. An email was immediately sent to all authorized gauge users reminding them of proper security procedures including photographs of how the gauges are to be secured to their vehicle.

Our RSO will also be re-iterating these topics at length during our annual Radiation Safety and Gauge Review seminar (required to be attended by all authorized gauge users. Additionally, more unscheduled on-site visits by the RSO to gauge users in the field are planned for the up-coming (and future) construction seasons to further assure compliance.

Violation of Title 10 CFR 30.34(i) Improperly Secured Gauges While in Office Storage.

- On April 13, 2023, we used only one independent physical control – an exterior door – that formed a tangible barrier to secure one portable gauge in storage at our facility in Kalamazoo.
- On September 18, 2023, we used only one independent physical control – a locked chain – that formed a tangible barrier to secure two portable gauges in storage at our facility in Kalamazoo.
- On September 21, 2023, we used only one independent physical control – a locked closet – that formed a tangible barrier to secure two portable gauges in storage at our facility in Grand Rapids


To resolve these situations, immediate corrective actions were completed to restore compliance.


(1) Additional locking anchor and chain to secure gauge cases in Kalamazoo; (2) installed a key code lock box for the key to the storage room door in Grand Rapids; and (3) installed additional locking anchored chains to secure gauge cases in Grand Rapids.

The cause for the violations of Title 10 CFR 30.34(i) were caused by different interpretations of the term barrier at the Kalamazoo and Grand Rapids offices. An email was immediately sent to all authorized gauge users reminding them of proper security procedures including photographs of how the gauges are to be secured to their respective offices. Again, more unscheduled, and frequent visits will be made to the various offices by the RSO this construction (and future) seasons.

We are confident that these measures will prevent a recurrence of the security deficiencies recently observed. Should you have any questions or comments, or should you require any further information or documentation, please contact us at your convenience.

Sincerely,


Brent W. Van Dyke
Radiation Safety Officer


Christopher J. Cruickshank, P.E.
Corporate Secretary