

April 22, 2013

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555-001

**RE: Reply to Notice of Violation**  
**Docket No. 03-28571**  
**License No. 21-18663-02**  
**EA-13-022**

Prien&Newhof is submitting this Reply to Notice of Violation in response to the March 28, 2013 letter from Ms. Anne T. Bowland of NRC Region III. For your convenience, we have included a copy of the notice of violation with this letter. As outlined in the Notice of Violation, an NRC inspection of our Kalamazoo facility found one violation of 10 CFR 30.34(i). The violation involved the failure to provide a minimum of two independent physical controls that provide tangible barriers to secure portable gauges from unauthorized removal whenever portable gauges are not under our control and constant surveillance.

It was our belief that we had met the two independent physical controls by providing:

1. A locking door on the closet where the portable gauges were stored
2. Locking exterior doors to our building and a receptionist stationed at the front door when the front door was unlocked

However, your inspectors indicated that this arrangement was in violation of 10 CFR 30.34(i) because the receptionist is occasionally away from the reception desk during the hours when the entrance door is unlocked.

To correct this situation, we installed an eye bolt in the wall of the storage closet to which the portable gauge can be chained and padlocked. This padlock and the locked door of the storage closet will then provide the two independent physical controls required by 10 CFR 30.34(i).

The eye-bolt was installed on January 18, 2013 and a photograph of the installation was emailed to the NRC inspectors. Subsequently, we have informed all of our portable gauge users of the necessity of padlocking the gauge to the eyebolt when storing gauges in the Kalamazoo office. Furthermore, we have reminded our portable gauge users of the necessity of always providing two independent physical barriers whenever the gauge is not under their control and constant surveillance.

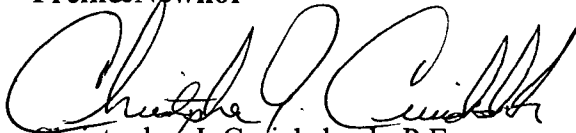
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We trust that this letter meets your requirements. Should you need anything further, please contact our office at (616) 364-8491.

Sincerely,

**Prein&Newhof**



Christopher J. Cruickshank, P.E.

CJC/cjc

Enclosures

Cc: U.S. Nuclear Regulatory Commission, Region III  
Region Administrator  
2443 Warrenville Road, Ste. 210  
Lisle, IL 60532-4352

Mr. Kris Fisher, Prein&Newhof RSO

## NOTICE OF VIOLATION

Prein & Newhof  
Grand Rapids, MI

Docket No. 030-28571  
License No. 21-18663-02  
EA-13-022

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on January 17, 2013, with continued NRC in-office review through MARCH 14, 2013, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of the Code of Federal Regulations (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.

Contrary to the above, on January 17, 2013, the licensee failed to use a minimum of two independent physical controls that formed tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges were not under the control and constant surveillance of the licensee. Specifically, the licensee secured a portable gauge in their Kalamazoo office using only one physical control (a locked closet), and did not maintain constant control and surveillance of the gauge while it was in storage.

This is a Severity Level IV violation (EGM-11-004).

Pursuant to the provisions of 10 CFR 2.201, Prein & Newhof 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 III, 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: (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 previously 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 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, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated this 28th day of March 2013.

Enclosure

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