



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352

June 7, 2019

Mr. Charles D. Scheuermann
CME Division Manager
Patriot Engineering and Environmental, Inc.
6150 E. 75th St.
Indianapolis, IN 46250

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03037878/2019001(DNMS)
AND NOTICE OF VIOLATION – PATRIOT ENGINEERING AND
ENVIRONMENTAL, INC.

Dear Mr. Scheuermann:

On April 30 and May 1, 2019, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection at your facilities in Bloomington and Indianapolis, Indiana, with continued in-office review through May 17, 2019. The purpose of the inspection was to review activities performed under your NRC license to ensure that those activities were being performed in accordance with NRC requirements. The in-office review included a review of information that was unavailable during the onsite inspection. Mr. Zahid Sulaiman of my staff conducted a final exit meeting by telephone with Mr. Kevin Matthews, Mr. Kyle Bauer, and you on May 17, 2019, to discuss the inspection findings. This letter presents the results of the inspection.

During this inspection, the NRC staff examined activities conducted under your license related to public health and safety. Additionally, the staff examined your compliance with the Commission's rules and regulations as well as the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on the results of this inspection, the NRC has determined that two Severity Level IV violations of NRC requirements. The violations were evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violations concerned the failure to: (1) failure to show compliance with the annual dose limit for individual members of the public by demonstrating that if an individual were continuously present in the office space next to the portable gauge storage area, an unrestricted area, the dose from external sources would not exceed 2 millirem (mrem) in an hour and 50 mrem in a year, as required by Title 10 of the *Code of Federal Regulations* (CFR) 20.1302(b)(2)(ii); and (2) perform a leak test of a Troxler Model 3440 portable gauge at an interval not to exceed 12 months, as specified in the certificate of registration, as required by License Condition (LC) 13 A. of NRC License Number 13-32725-01. The violations is cited in the enclosed Notice of Violation (Notice). The NRC is citing the violation in the enclosed Notice because the inspector identified the violation.

The inspector determined that the root cause of the violations was oversights on the part of the licensee. As corrective actions to restore compliance and to prevent recurrence for the first violation, the licensee (1) installed lead plating inside the gauge storage closet walls, (2) moved the individual office space to new location, away from the portable storage closet, and (3) the office space next to the portable gauge storage closet will become the general storage area. For the second violation, the licensee immediately performed a leak test of the portable gauge and developed the sealed source leak test tracking procedure.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance will be achieved is already adequately addressed on the docket in this letter. Therefore, you are not required to respond to this letter unless the description herein 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 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agency wide Documents Access and Management System (ADAMS), accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, any response should not include any personal privacy, proprietary, or safeguards information so that it can be made publicly available without redaction.

Please feel free to contact Mr. Sulaiman if you have any questions regarding this inspection. Mr. Sulaiman can be reached at 630-829-9752.

Sincerely,

/RA/

Aaron T. McCraw, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-37878
License No. 13-32725-01

Enclosure: Notice of Violation

cc w/encl: State of Indiana

Letter to Charles Scheuermann from Aaron McCraw, dated June 7, 2019.

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03037878/2019001(DNMS)
AND NOTICE OF VIOLATION – PATRIOT ENGINEERING AND
ENVIRONMENTAL, INC.

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OFFICE	RIII-DNMS	C	RIII-DNMS	C				
NAME	ZSulaiman:brt		AMcCraw					
DATE	6/7/2019		6/7/2019					

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Patriot Engineering and Environmental
Indianapolis, Indiana

License No. 13-32725-01
Docket No. 030-37878

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on April 30, 2019, through May 1, 2019, with continued office review through May 17, 2019, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Title 10 of the *Code of Federal Regulations* (CFR) 20.1302(b)(2)(ii) requires, in part, that the licensee shall show compliance with the annual dose limit in 10 CFR 20.1301 by demonstrating that if an individual were continuously present in an unrestricted area, the dose from external sources would not exceed 2 mrem in an hour and 50 mrem in a year.

Contrary to the above as of May 1, 2019, the licensee failed to demonstrate that if an individual were continuously present in the office space next to the portable gauge storage area, an unrestricted area, that the dose from external sources would not exceed 50 mrem in a year.

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

- B. License Condition No. 13 A of NRC License No. 13-32725-01 states, in part, that the 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. The certificate of registration for the Troxler Model 3440, states that the leak test frequency is not to exceed 12 months.

Contrary to the above, from March 21, 2018, through April 30, 2019, the licensee failed to test a Troxler Model 3440 portable gauge, containing cesium-137 and americium-241:beryllium sources for leakage. Specifically, the licensee last tested this device and its sources for leakage on March 21, 2017, and did not test it again until April 30, 2019 – an interval that exceeded 12 months.

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

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in this letter transmitting this Notice of Violation (Notice). However, you are required to submit a written statement or explanation pursuant to 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, IR 03037878/2019001(DNMS)" and send it 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.

Enclosure

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.

If you choose to respond, your response will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html>. The extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made publicly available without redaction.

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

Dated this 7TH day of June, 2019.