



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

August 23, 2019

Ms. Shelby Yamada, President
Yamada & Sons, Inc.
733 Kanoelehua Avenue
Hilo, Hawaii 96720

SUBJECT: NRC INSPECTION REPORT 030-33594/2019-001 AND NOTICE OF VIOLATION

Dear Ms. Yamada:

This letter refers to the routine, unannounced inspection conducted on July 23, 2019, at your facility in Hilo, 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's) 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 preliminary inspection findings were discussed with you and your staff at the conclusion of the onsite portion of the inspection on July 23, 2019. A final exit briefing was conducted with you telephonically on August 16, 2019.

Based on the results of this inspection, the NRC has determined that two Severity Level IV violations of NRC requirements have occurred. The violations were evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violations involved the failures to: (1) notify the NRC of a change of radiation safety officer listed on the license, and (2) periodically (at least annually) audit the radiation protection program content and implementation. The violations are being cited in the enclosed Notice of Violation (Notice) because they were identified by the NRC during the inspection.

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. You can find the Information Notice on the NRC website at: <http://pbadupws.nrc.gov/docs/ML0612/ML061240509.pdf>. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

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>. 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.

Should you have any questions regarding this letter or the enclosed Notice, please contact James L. Thompson at 817-200-1538 or the undersigned at 817-200-1455.

Sincerely,

/RA/

Patricia A. Silva, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket: 030-33594
License: 53-29072-01

Enclosure:
Notice of Violation

cc:
Jeffrey Eckerd, Manager
Hawaii Department of Health

NRC ROUTINE INSPECTION REPORT 030-33594/2019-001 AND NOTICE OF VIOLATION
DATED August 23, 2019, 2019**DISTRIBUTION**

M. Shaffer, DRA:RIV

L. Howell, D:DNMS

V. Gaddy, DD:DNMS

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ADAMS ACCESSION NUMBER: **ML19239A209**☒SUNSI Review:

ADAMS:

☐ Non-Publicly Available☒ Non-Sensitive

Keyword:

By: JLT3

☒ Yes ☐ No☒ Publicly Available☐ Sensitive

OFFICE	SHP:DNMS	C:MIB				
NAME	JLThompson	PASilva				
SIGNATURE	/RA/	/RA/				
DATE	8/13/19	8/23/19				

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Yamada & Sons, Inc.
Hilo, Hawaii

License No.: 53-29072-01
Docket No.: 030-33594

During an NRC inspection conducted on July 23, 2019, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Condition 12 of NRC Materials License 53-29072-01, Amendment 6, dated March 12, 2015, authorized a named individual to fulfill the duties and responsibilities of the radiation safety officer (RSO) for the license.

Contrary to the above, from September 2018 until the date of inspection on July 23, 2019, the licensee failed to have the individual authorized on the license performing the duties and responsibilities of the RSO. Specifically, the RSO listed on the license changed in September 2018, and the license was not amended to reflect this change as of the date of inspection on July 23, 2019.

This is a Severity Level IV violation (Section 6.3.d.8)

- B. Title 10 of the *Code of Federal Regulations*, Part 20.1101(c) requires, in part, the licensee shall periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, from November 2017 to the date of inspection on July 23, 2019, the licensee failed to periodically (at least annually) review the radiation protection program content and implementation. Specifically, the licensee had performed this review every November previously, but had forgotten to perform this review during November 2018.

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

Pursuant to the provisions of 10 CFR 2.201, Yamada & Sons, Inc., 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, 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 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.

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, 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 or proprietary 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).

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

Dated this 23rd day of August 2019.