



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

March 25, 2021

EA-20-151

David G. Winter, President/CEO
Hart Crowser, Inc.
3131 Elliott Ave, Ste 600
Seattle, WA 98121

SUBJECT: NOTICE OF VIOLATION, NRC INSPECTION REPORT 150-00046/2020-001

Dear Mr. Winter:

This letter refers to our in-office document review of information submitted by Hart Crowser, Inc. to the U.S. Nuclear Regulatory Commission (NRC) on November 19, 2020, regarding performance of licensed activities in areas of exclusive Federal jurisdiction. Our document review was conducted between November 19, 2020, and January 5, 2021, and focused on activities performed under your NRC general license, which was granted under Title 10 of the *Code of Federal Regulations* (10 CFR) 150.20, "Recognition of Agreement State licenses," to ensure your company's compliance with NRC requirements. A final exit briefing was conducted telephonically with you on February 2, 2021, and the details regarding an apparent violation were provided in NRC Inspection Report 150-00046/2020-001, dated February 4, 2021, NRC's Agencywide Documents Access and Management System (ADAMS) Accession No. ML21021A176.

In the letter transmitting the inspection report, we provided you with the opportunity to address the apparent violation by either attending a predecisional enforcement conference, requesting alternative dispute resolution, or providing a written response before we made our final enforcement decision. In a letter dated March 1, 2021 (ADAMS Accession No. ML21068A236), you provided a written response to the apparent violation.

Based on the information developed during the inspection and the information that you provided in your response to the inspection report dated February 4, 2021, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the subject inspection report. The violation involved the failure to file a submittal containing an NRC Form 241, "Report of Proposed Activities in Non-Agreement States," a copy of the Agreement State specific license, and the appropriate fee with the appropriate regional office at least 3 days prior to engaging in licensed activities in areas of exclusive Federal jurisdiction for calendar year 2020.

The NRC considers the violation above to be a significant violation because the failure to file a submittal containing an NRC Form 241 and performing licensed activities in areas of exclusive Federal jurisdiction prevents the NRC from inspecting these activities and ensuring that licensed material is being used safely and in accordance with NRC requirements. Therefore, the violation has been categorized in accordance with the NRC Enforcement Policy

at Severity Level III. The Enforcement Policy can be found on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$7,500 is considered for a Severity Level III violation.

Because your facility has not been the subject of escalated enforcement actions, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the NRC Enforcement Policy. The NRC has determined that *Corrective Action* credit is warranted for your prompt and comprehensive corrective actions which included: (1) submitting the NRC Form 241, the Agreement State specific license, and reciprocity fee after identifying that initial NRC Form 241 was not filed; (2) providing quarterly email reminders from the radiation safety officer (RSO) to project managers of the NRC requirements regarding portable gauge use in areas of exclusive Federal jurisdiction; (3) having the RSO attend weekly geotechnical business unit meetings to obtain early notification of proposed project work in areas of exclusive Federal jurisdiction; and (4) setting a recurring reminder in the RSO Microsoft Outlook calendar to automatically notify the RSO at the end of November to submit the NRC Form 241 for the upcoming year.

Therefore, to encourage prompt and comprehensive correction of violations, and in recognition of the absence of previous escalated enforcement action, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty. In addition, issuance of this Severity Level III violation constitutes escalated enforcement action that may subject you to increased inspection effort.

The NRC has concluded that information regarding: (1) the reason for the violation; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in your letter dated March 1, 2021, and NRC Inspection Report 150-00046/2020-001. Therefore, you are not required to respond to this letter unless the description therein 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 "Agency Rules of Practice and Procedure," 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 Public Document Room or in the NRC's ADAMS, accessible from the website at <http://www.nrc.gov/reading-rm/adams.html>. The NRC also includes significant enforcement actions on its website at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions>.

If you have any questions concerning this matter, please contact Ms. Heather Gepford of my staff at 817-200-1156.

Sincerely,

Scott A. Morris
Regional Administrator

Docket No. 150-00046
License No. General License

Enclosure:
Notice of Violation

cc w/Enclosure:
Earl Fordham, CHP, Deputy Director
Office of Radiation Protection
Washington Department of Health
P.O. Box 47827
Olympia, WA 98504-7827

NOTICE OF VIOLATION, NRC INSPECTION REPORT 150-00046/2020-001 - DATED
MARCH 25, 2021

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Cvr Ltr & Encl:

ADAMS ACCESSION NUMBER: ML21074A388

☒ SUNSI Review: JGK

ADAMS:

☐ Non-Publicly Available

☒ Non-Sensitive

Keyword: By:

☒ Yes ☐ No

☒ Publicly Available

☐ Sensitive

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NOTICE OF VIOLATION

Hart Crowser, Inc.
Seattle, Washington

Docket No. 150-00046
License No. General License
EA-20-151

During an in-office NRC review conducted from November 19, 2020, to January 5, 2021, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 150.20(a)(1) states, in part, that any person who holds a specific license from an Agreement State is granted a general license to conduct the same activity in areas of exclusive Federal jurisdiction within Agreement States subject to the provisions of 10 CFR 150.20(b).

10 CFR 150.20(b)(1) requires, in part, that any person engaging in activities in areas of exclusive Federal jurisdiction shall, at least 3 days before engaging in each activity for the first time in a calendar year, file a submittal containing an NRC Form 241, "Report of Proposed Activities in Non-Agreement States," a copy of its Agreement State specific license, and the appropriate fee with the Regional Administrator of the appropriate NRC regional office.

Contrary to the above, from August 14 through November 18, 2020, Hart Crowser, Inc., a licensee of the State of Washington, engaged in licensed activities in exclusive Federal jurisdiction without filing a submittal containing an NRC Form 241, a copy of its Agreement State specific license, and the appropriate fee with the Regional Administrator of the NRC Regional Office at least 3 days before engaging in each activity for the first time in a calendar year. Specifically, Hart Crowser, Inc. performed licensed activities for 73 days at Joint Base Lewis-McChord, Washington, beginning on August 14, 2020, but did not submit an NRC Form 241, a copy of its Agreement State specific license, and the appropriate fee until November 19, 2020. Since work was performed in areas of exclusive Federal jurisdiction beginning on August 14, 2020, Hart Crowser, Inc. was required to provide this information to the NRC by August 11, 2020.

This is a Severity Level III violation (NRC Enforcement Policy Section 6.9.c.2(c)).

The NRC has concluded that information regarding: (1) the reason for the violation; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in your letter dated March 1, 2021, and NRC Inspection Report 150-00046/2020-001. However, if the description therein does not accurately reflect your position or your corrective actions, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 within 30 days of the date of the letter transmitting this Notice of Violation (Notice). In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation; EA-20-151," and send it to U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region IV, 1600 East Lamar Blvd., Arlington, Texas 76011-4511, and email it to R4Enforcement@nrc.gov.

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 Public Document Room or in the NRC's ADAMS, accessible from the website 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, 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 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

Dated this 25th day of March 2021