



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

REGION III  
2443 WARRENVILLE RD. SUITE 210  
LISLE, IL 60532-4352

January 12, 2023

EA-22-090

Austin Ridgely, PLS  
Vice President  
Hampton, Lenzini and Renwick, Inc.  
323 W. 3rd Street  
P.O. Box 160  
Mt. Carmel, IL 62863

SUBJECT: NOTICE OF VIOLATION; NRC SPECIAL INSPECTION REPORT NO.  
150-00012/2022001(DRSS); HAMPTON, LENZINI, AND RENWICK, INC.

Dear Austin Ridgely:

This letter refers to the US Nuclear Regulatory Commission (NRC) inspection conducted remotely on July 12, 2022, with continued in-office review through October 14, 2022, regarding the possession and use of a portable nuclear gauge in the State of Indiana. The purpose of the inspection was to review the activities performed in NRC jurisdiction and to ensure those activities were being performed in accordance with NRC requirements. An exit meeting was held on October 14, 2022, with you and your staff to discuss an apparent violation involving the failure to file for reciprocity with the NRC prior to performing activities in NRC jurisdiction. Inspection Report No. 150-00012/2022001(DRSS) was issued on October 28, 2022, and can be found in the NRC's Agencywide Documents Access and Management System (ADAMS) at accession number ML22287A117. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

In the letter transmitting the inspection report, we provided you with the opportunity to address the apparent violation identified in the report by either attending a predecisional enforcement conference or by providing a written response before we made our final enforcement decision. In a letter dated November 15, 2022 (ML22332A057), you provided a written response to the apparent violation.

Based on the information developed during the inspection and the information you provided in your response dated November 15, 2022, 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 NRC Form 241 prior to possessing and performing activities using a portable nuclear gauge containing licensed material in the State of Indiana, a non-Agreement State under NRC jurisdiction.

The root cause of the violation was your lack of awareness that the use of licensed materials in the State of Indiana required authorization from the NRC. The failure to submit an initial NRC Form 241 as required by Title 10 of the *Code of Federal Regulations* (CFR), Section 150.20 is significant because the failure to file for reciprocity prevents the NRC from inspecting these

activities and ensuring that licensed materials are being used safely and in accordance with NRC requirements. Therefore, this violation has been categorized in accordance with the NRC Enforcement Policy at Severity Level III. In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$8000 is considered for a Severity Level III violation.

Because your facility has not been the subject of escalated enforcement actions previously, 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 Enforcement Policy. Corrective actions included the following: (1) stopped all work in NRC jurisdiction until compliance was restored; (2) submitted NRC Form 241 for calendar year 2022 and paid required fee; (3) posted notices above the gauge log areas that gauges are only allowed to be taken into Indiana and Illinois, and NRC Form 241 must be submitted to the NRC three days prior to work in a non-Agreement State; (4) submitted appropriate fees for prior calendar years 2019, 2020, and 2021; (5) created calendar reminders for the vice president, radiation safety officer and administrative assistant that the appropriate fee must be paid at the beginning of each year; and (6) provided training to employees on the requirement for completing and submitting the NRC Form 241. In addition, you plan to provide training on filing NRC Form 241 to all new employees when receiving gauge training and to provide annual refresher training. Based on the above, credit for *Corrective Action* is warranted.

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 also includes significant enforcement actions on its Web site at (<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>).

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 Inspection Report No. 150-00012/2022001(DRSS) and your letter dated November 15, 2022. 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 "Rules of Practice," a copy of this letter, its enclosure, and your response, if any, will be made available electronically for public inspection in the NRC Public Document Room and in the NRC's ADAMS. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards 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).

If you have any questions concerning this matter, please contact Diana Betancourt-Roldan, Enforcement Officer of my staff, at 630-810-4373 or [diana.betancourt@nrc.gov](mailto:diana.betancourt@nrc.gov).

Sincerely,



Signed by Giessner, Jack  
on 01/12/23

John B. Giessner  
Regional Administrator

Docket No. 150-00012  
License No. IL-01849-01

Enclosure:  
Notice of Violation

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State of Indiana

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## NOTICE OF VIOLATION

Hampton, Lenzini and Renwick, Inc.  
Mt. Carmel, Illinois

Docket No. 150-00012  
License No. IL-01849-01  
EA-22-090

During a US Nuclear Regulatory Commission (NRC) inspection conducted on July 12, 2022, with in-office review through October 14, 2022, a 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* (10 CFR) 150.20(a) provides, in part, that any person who holds a specific license from an Agreement State is granted an NRC general license to conduct the same activity in Non-Agreement States, provided that the provisions of 10 CFR 150.20(b) have been met.

Title 10 CFR 150.20(b)(1) requires, in part, that any person engaging in activities in non-Agreement States shall, at least three 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, on several dates between September 13, 2019, and June 28, 2022, Hampton, Lenzini, and Renwick, Inc., a licensee of the State of Illinois, possessed and used a portable gauge containing licensed materials at temporary job sites in the State of Indiana, a non-Agreement State, without first filing 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 NRC. Specifically, the licensee used a gauge containing sealed sources of cesium-137 and americium-241 in NRC jurisdiction for approximately 35-40 days during the aforementioned period without requesting reciprocity and paying fees.

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

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 Inspection Report No.150-00012/2022001(DRSS) and the licensee's letter dated November 15, 2022. 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, EA-22-090," 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, Suite 210, 2443 Warrenville Road, Lisle, 60532-4352 within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

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.

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 Agencywide Documents Access

Enclosure

and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public 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 12 day of January 2023.