



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

May 25, 2023

EA-23-011
NMED NO. 210253 (closed)

Bruce Wilberding
Principal, Radiation Safety Officer
G2 Consulting Group, LLC
1866 Woodslee Street
Troy, MI 48083

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY -
\$8,750, NRC INSPECTION REPORT NO. 03033590/2021001(DRSS) AND
INVESTIGATION REPORT 3-2022-001 – G2 CONSULTING GROUP, LLC

Dear Bruce Wilberding:

This letter refers to the U.S. Nuclear Regulatory Commission (NRC) inspection conducted on July 9, 2021, at your offices in Troy and Ann Arbor Michigan, and at temporary job sites in Troy and Canton Michigan, with continued in-office review through February 9, 2023. The purpose of the inspection was to review the activities performed under your NRC license to ensure that activities were being performed in accordance with NRC requirements, and to review the circumstances surrounding a lost portable moisture density gauge that you reported to the NRC on June 15, 2021. An exit meeting was conducted between you and Ryan Craffey on March 6, 2023, to discuss the results of the inspection. Inspection Report No. 03033590/2021001(DRSS) was issued on March 28, 2023, and can be found in the NRC's Agencywide Documents Access and Management System (ADAMS) at accession number ML23069A108. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

In addition, the NRC's Office of Investigations completed an investigation on November 4, 2022, to determine whether a former technician deliberately failed to maintain control of a gauge and whether the radiation safety officer deliberately failed to immediately report the missing gauge. Based on the evidence developed during the investigation the NRC did not substantiate any willful actions associated with the apparent violations.

In the March 28, 2023, letter transmitting the inspection report, we informed you that two apparent violations were being considered for escalated enforcement action, including a civil monetary penalty for the loss of licensed radioactive material. In the letter, we provided you the opportunity to address the apparent violations identified in the report by either attending a predecisional enforcement conference, engaging the NRC in Alternative Dispute Resolution (ADR) mediation, or by providing a written response before we made our final enforcement decision. In a letter dated April 27, 2023 (ML23123A041), you provided a response to the apparent violations.

Based on the information developed during the inspection and investigation, the information you provided regarding the loss of the portable gauge in your July 14, 2021, 30-day written report on the event (ML21196A006), and the information that you provided in your response to the inspection report dated April 27, 2023, the NRC has determined that two violations of NRC requirements occurred and is proceeding with enforcement action. Violation A involves the failure to maintain control of a portable moisture density gauge containing NRC-regulated radioactive material in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 20.1802 resulting in the loss of the gauge. The violation is cited in the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) and the circumstances surrounding it are described in detail in the subject inspection report.

The NRC considers the loss of NRC-regulated material a significant regulatory and security concern because a portable gauge poses an undue risk to the public. Because the regulated material is still missing it could lead to potential exposures to members of the public. In this case no known exposures have been identified. Therefore, this violation has been categorized in accordance with the NRC Enforcement Policy at Severity Level III. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

In accordance with Section 2.3.4 of the Enforcement Policy, the NRC is exercising discretion to propose imposition of a civil penalty of at least the base amount for Violation A (the violation involving the loss of a portable moisture density gauge containing licensed radioactive material). According to Table 8A, item f.3 of the Enforcement Policy, the base civil penalty for a lost portable gauge is \$7,000 per device. However, based on Table 8A, item e and Table 8B of the Enforcement Policy, for a licensee of your type, the base civil penalty for a SLIII violation not involving a lost source would be \$8,750. Therefore, in this case, to provide an equivalent deterrent effect, I have been authorized, after consultation with the Director, Office of Enforcement, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the amount of \$8,750. In addition, issuance of this Notice constitutes escalated enforcement action that may subject you to increased inspection effort.

The NRC has also determined that a Severity Level IV violation of NRC requirements occurred (Violation B). This violation involved the failure to implement your operating and emergency procedure when authorized users did not return gauges to proper locked storage locations at the end of the shift or log gauges into a daily use log when returning gauges to storage. This violation was also evaluated in accordance with the NRC Enforcement Policy. The violation is cited in the enclosed Notice and the circumstances surrounding it are described in detail in the subject inspection report. The violation is being cited in the Notice because it was identified by the inspector.

You may pay the proposed civil penalty by submitting your payment, with the invoice enclosed to this letter, to the following address:

Office of the Chief Financial Officer
U.S. Nuclear Regulatory Commission
P.O. Box 979051
St. Louis, MO 63197

In addition, you may pay the proposed civil penalty in accordance with [NUREG/BR-0254](#). When using NUREG/BR-0254 to pay the civil penalty, the invoice number should be used as the

“enforcement action identifier” when submitting your payment through one of the approved methods listed in the brochure. The NRC may consider a request for additional time to pay the proposed civil penalty, including the option to enter into an installment agreement, if payment of the civil penalty as a lump sum in the required timeframe would pose a financial hardship. To request additional time to pay, you must submit a written request, with appropriate justification explaining your financial hardship, to NRCCollections.Resource@nrc.gov. All requests should be submitted in sufficient time to allow the NRC the ability to review your request for additional time to pay before the 30-day payment period expires.

If you disagree with this enforcement sanction, you may deny the violation, as described in the Notice, or you may request ADR with the NRC in an attempt to resolve this issue. ADR is a general term encompassing various techniques for resolving conflicts using a neutral third party. The technique that the NRC has decided to employ is mediation. Mediation is a voluntary, informal process in which a trained neutral (the “mediator”) works with parties to help them reach resolution. If the parties agree to use ADR, they select a mutually agreeable neutral mediator who has no stake in the outcome and no power to make decisions. Mediation gives parties an opportunity to discuss issues, clear up misunderstandings, be creative, find areas of agreement, and reach a final resolution of the issues. Additional information concerning the NRC's ADR program can be found at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>.

The Institute on Conflict Resolution (ICR) at Cornell University has agreed to facilitate the NRC's program as a neutral third party. If you are interested in pursuing this issue through the ADR program, please contact: (1) the ICR at (877) 733-9415; and (2) Diana Betancourt-Roldan at (630) 810-4373 within 10 days of the date of this letter. You may also contact both ICR and Diana Betancourt-Roldan for additional information. Your submitted signed agreement to mediate using the NRC ADR program will stay the 30-day time period for payment of the civil penalty and the required written response, as identified in the enclosed notice, until the ADR process is completed.

The NRC has concluded that information regarding: (1) the reason for the violations, or if contested, the basis for disputing the violations; (2) the corrective steps that have been taken and the results achieved; and (3) the corrective steps that will be taken; and (4) the date when full compliance will be achieved is already adequately addressed on the docket in Inspection Report No. 03033590/2021001(DRSS) and your letter dated April 27, 2023. 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 enclosures, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room and from the NRC's 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.

B. Wilberding

- 4 -

If you have any questions concerning this matter, please contact Diana Betancourt-Roldan Enforcement/Investigations Officer of my staff at Diana.Betancourt-Roldan@nrc.gov or (630) 810-4373.

Sincerely,



Signed by Giessner, Jack
on 05/25/23

John B. Giessner
Regional Administrator

Docket No. 030-33590
License No. 21-26593-01

Enclosure: Notice of Violation and Proposed
Imposition of Civil Penalty
Civil Penalty Invoice No. EA-23-011

Letter to B. Wilberding from John Giessner dated May 25, 2023.

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY - \$8,750, NRC INSPECTION REPORT NO. 03033590/2021001(DRSS) AND INVESTIGATION REPORT 3-2022-001 – G2 CONSULTING GROUP, LLC

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Publicly Available Non-Publicly Available Sensitive Non-Sensitive

OFFICE	RIII/EICS		RIII/DRSS		RIII/DRSS		NMSS	
NAME	KLambert:bw		REdwards		JHeck		MBurgess	
DATE	5/11/2023		5/12/2023		5/12/2023		5/17/2023	
OFFICE	OGC		OE		RIII/EICS		RIII/ORA	
NAME	MSimon		JPeralta		DBetancourt		JGiessner	
DATE	5/19/2023		5/22/2023		5/24/2023		5/25/2023	

OFFICIAL RECORD COPY

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

G2 Consulting Group, LLC
Troy, Michigan

Docket No. 030-33590
License No. 21-26593-01
EA-23-011

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on July 9, 2021, with continued in-office review until February 9, 2023, and an NRC investigation completed on November 4, 2022, violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the NRC proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The violations and associated civil penalty are set forth below:

I. Violation Assessed a Civil Penalty

- A. 10 CFR 20.1802 states that licensees shall control and maintain constant surveillance of licensed material that is in a controlled or unrestricted area and that is not in storage.

Contrary to the above, on or around January 5, 2021, G2 Consulting Group, LLC failed to control and maintain constant surveillance of a Troxler 3430 Plus portable moisture density gauge (serial number 70894) containing 8 millicuries of cesium-137 and 40 millicuries of americium-241 that was last used at a temporary job site in Allen Park, Michigan. Specifically, on June 14, 2021, the licensee was unable to locate the gauge to perform a leak test. The licensee determined that the last known use of the gauge was on January 5, 2021, and could not ascertain its location after that date. On June 15, 2021, [after conducting inquiries with its employees and service providers], the licensee notified the NRC that the gauge was missing.

This is a Severity Level III violation (Enforcement Policy Section 6.3).
Civil Penalty - \$8,750 (EA-23-011)

II. Violation Not Assessed a Civil Penalty

- B. Condition 19.A of Amendment No. 8, dated February 8, 2018, and Amendment 9, dated March 13, 2021, to NRC Materials License No. 21-26593-01 states, in part, that the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the application dated November 4, 2014.

In Item 10 of the application dated November 4, 2014, the licensee states, in part, that it will implement and maintain the operating and emergency procedures in Appendix H of NUREG-1556, Vol. 1, Rev. 1, dated November 2001.

Appendix H of NUREG-1556, Vol. 1, Rev. 1 requires, in part, that authorized users return the gauge to its proper locked storage location at the end of the work shift, and log the gauge into the daily use log when it is returned to storage.

Contrary to the above, G2 Consulting failed to implement its operating and emergency procedures in Appendix H of NUREG-1556, Vol. 1, Rev. 1, and therefore did not conduct its program in accordance with the statements contained in its application. Specifically:

Enclosure

- (1) On January 5, 2021, an authorized user did not return the gauge to either of the licensee's proper locked storage locations at the end of the work shift. As of July 1, 2021, authorized users did not routinely log gauges into a daily use log when they were returned to storage.

This is a Severity Level IV violation (Section 6.3)

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance will be achieved is already adequately addressed on the docket in Inspection Report No. 03033590/2021001(DRSS) and the licensee's letter dated April 27, 2023. 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-23-011" and send it to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, with a copy to the Regional Administrator, U.S., Nuclear Regulatory Commission, Region III, 2443 Warrenton Road, Suite 210, Lisle, IL 60532-4352 and the Document Control Desk, Washington, DC 20555-0001.

The licensee may pay the civil penalty proposed above, or the cumulative amount of the civil penalties if more than one civil penalty is proposed, through one of the following two methods:

1. Submit the payment with the enclosed invoice for Civil Penalty, EA-23-011, issued to G2 Consulting Group, LLC to the following address:

Office of the Chief Financial Officer
U.S. Nuclear Regulatory Commission
P.O. Box 979051
St. Louis, MO 63197

OR

2. Submit the payment in accordance with [NUREG/BR-0254](#).

The Licensee may protest the imposition of the civil penalty in whole or in part, by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice. Should the Licensee fail to answer within 30 days of the date of this Notice, the NRC will issue an order imposing the civil penalty. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the violations listed in this Notice, in whole or in part; (2) demonstrate extenuating circumstances; (3) show error in this Notice; or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the response should address the factors addressed in Section 2.3.4 of the Enforcement Policy (ML22336A179). Any written answer addressing these factors pursuant to 10 CFR 2.205 should be set forth separately from the statement or explanation provided pursuant to 10 CFR 2.201, but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid

repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205 regarding the procedure for imposing a civil penalty. Upon failure to pay any civil penalty which subsequently has been determined in accordance with the applicable provisions of 10 CFR 2.205 to be due, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282c.

The responses noted above, i.e., Reply to Notice of Violation, Statement as to payment of civil penalty, and Answer to a Notice of Violation, should be addressed to: David Pelton, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region III, 2443 Warrenton Road, Suite 210, Lisle, IL 60532-4352 and the Document Control Center, 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 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 that such material is withheld from public disclosure, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim (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 two working days of receipt.

Dated this 25th day of May 2023.



G2 Consulting Group, LLC
1866 WOODSLEE STREET
TROY, MI 48083



05/22/2023

Address/Customer Information

G2 Consulting Group, LLC
1866 WOODSLEE STREET
TROY, MI 48083

Customer Codes

Account Code: L00002384/1

Bill Information

Bill Number: EA-23-011
Amount Due: \$8,750.00
Due Date: 06/21/2023

Contact Us

Phone Number: 301-415-7554
Fax Number: 301-415-4135
Email Address: Fees.Resource@nrc.gov

Remit to Address

Office of the Chief Financial Officer
U.S. Nuclear Regulatory Commission
P.O. Box 979051
St. Louis, MO 63197

Bill Summary

Initial Charges	\$8,750.00
Discount	0.00
Surcharge	0.00
Interest Charges	0.00
Penalty Charges	0.00
Admin Charges	0.00
Bill Amount	\$8,750.00
Collected	0.00
Applied Credit	0.00
Adjustments	0.00
Amount Due	\$8,750.00

Credit Summary

Applied Credit	\$0.00
Unapplied Credit	0.00
Credit Total	\$0.00

Comments:

For questions, contact (301) 415-7554 or by email at Fees.Resource@nrc.gov. For NRC debt collection procedures, including interest and penalty provisions, see 31 U.S.C. 3717, 4 CFR 101-105, AND 10 CFR 15.

For questions, contact (301) 415-7554 or by email at Fees.Resource@nrc.gov. For NRC debt collection procedures, including interest and penalty provisions, see 31 U.S.C. 3717, 4 CFR 101-105, AND 10 CFR 15. Invoice if for Civil Penalty EA., issued to G2 Consulting Group, LLC

Customer Information

L00002384/1
G2 Consulting Group, LLC
1866 WOODSLEE STREET
TROY, MI 48083

Change of Address:

Phone: _____

Remittance Information

Office of the Chief Financial Officer
U.S. Nuclear Regulatory Commission
P.O. Box 979051
St. Louis, MO 63197

This Payment References the following Bill:

EA-23-011

Outstanding Amount Due: \$8,750.00

Amount Enclosed: _____