

INSPECTION RECORD

Region III Inspection Report No. 2008-01

License No. 12-26781-01

Docket No. 030-34387

Licensee; **H.H. Holmes Testing Laboratories, Inc.**  
**170 Shepard Avenue**  
**Wheeling, Illinois 60090**

Location: **170 Shepard Avenue**  
**Wheeling, Illinois 60090**

Licensee Contact: **Scott Nelson** Telephone No. **(847) 541-4040**

Priority: **5** Program Code: **3121**

Date of Last Inspection: **December 19, 2002** Date of This Inspection: **February 28, 2008**

Next Inspection Date: **February 2013**

Justification for reducing the routine inspection interval: **None**

Summary of Findings and Actions:

No violations cited, clear U.S. Nuclear Regulatory Commission (NRC) Form 591 or regional letter issued

Non-cited violations (NCVs)

Violations, form 591 issued

Violations, regional letter issued

Followup on previous violations

Inspector **Edward Kulzer**

Date **March 6, 2008**



Approved **John Madera**

Date **March 7, 2008**



## **PART I-LICENSE, INSPECTION, INCIDENT/EVENT, AND ENFORCEMENT HISTORY**

### **1. Amendments and Program Changes:**

**AMENDMENT: 2 DATE: February 28, 2008 SUBJECT: Name Change from Nelson Leasing**

### **2. INSPECTION AND ENFORCEMENT HISTORY:**

**The last two inspections conducted on September 10, 1997, and on December 19, 2002, were clear inspections with no violations of regulatory requirements.**

### **3. INCIDENT/EVENT HISTORY:**

**None**

## **Part II – INSPECTION DOCUMENTATION**

### **1. ORGANIZATION AND SCOPE OF PROGRAM:**

**The company is owned and operated by Mr. Scott Nelson who is the radiation safety officer. Todd Nelson is Senior Vice President. The company has its main office in Illinois, an Agreement State, and has an NRC license to use licensed material at temporary sites of the licensee anywhere in the United States where the U.S. Nuclear Regulatory Commission maintains jurisdiction for regulating the use of licensed material. The company uses Troxler gauges at temporary job sites located primarily in Wisconsin, Indiana, and in Illinois for use during the testing moisture/density for construction operations.**

### **2. SCOPE OF INSPECTION:**

**Inspection Procedure Used: 87124**

**Focus Areas Evaluated: Safety and security of gauges in NRC states. At the time of this inspection there were no temporary job sites in NRC states. The inspection consisted of interviews with the RSO and an authorized user, and a review of shipping papers, leak tests, and transportation records.**

### **3. INDEPENDENT AND CONFIRMATORY MEASUREMENTS:**

**No confirmatory measurements were performed because the inspection was conducted at the licensee's facilities in Illinois, an Agreement State.**

### **4. VIOLATIONS, NCVs, AND OTHER SAFETY ISSUES**

**Four violations of NRC requirements were identified as follows:**

**Title 10 Code of Federal Regulations (CFR) 71.5 requires that a licensee who transports licensed material outside of the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, comply with the applicable requirements of the**

regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR 170-through 189.

1. 49 CFR 177.817(e)(1) requires that shipping papers, if carried with other shipping papers or other papers of any kind, be either distinctively tabbed or by having it appear first.

Contrary to the above, on February 28, 2008, the licensee had shipping papers placed in a binder under several other papers and the paper was not distinctively tabbed.

2. 49 CFR 177.817(e)(2) requires, in part, that the driver of a motor vehicle containing hazardous material that the shipping paper is readily available to, and recognizable by, authorities in the event of accident or inspection. Specifically, (i) when the driver is at the vehicle's controls, the shipping paper shall be: (A) within his immediate reach while he is restrained by the lap belt; and (B) either readily visible to a person entering the driver's compartment or in a holder which is mounted to the inside of the door on the driver's side of the vehicle; (ii) when the driver is not at the vehicle's controls, the shipping paper shall be: (A) in a holder which is mounted to the side of the door on the driver's side of the vehicle; or (B) on the driver's seat in the vehicle.

Contrary to the above, as of February 28, 2008, the authorized user, stored his shipping papers in the holder which was mounted to the side of the door on the passenger's side of the vehicle.

3. 49 CFR 172.301(a)(1) requires, in part, that each person who offers a hazardous material offered for transportation in a non-bulk packaging must mark the package with the proper shipping name and identification number (preceded by "UN" or "NA," as appropriate) for the material as shown in the 49 CFR 172.101 Table.

Contrary to the above, as of February 28, 2008, the gauge case was not marked with the proper shipping name or "UN" number.

4. 49 CFR 172.403(g) requires, in part, that the following applicable items of information must be entered in the blank spaces on the RADIOACTIVE label by legible printing using a durable weather resistant means of marking.

Contrary to the above, the authorized user selected a gauge case on which the information contained in the blank spaces on the RADIOACTIVE labels were illegible.

The company will provide its corrective actions on the above violations in response to the Notice of Violation. They have indicated by telephone on March 3, 2008, that the violations have been corrected.

PERSONNEL CONTACTED:

#\*- S. Nelson, President and Radiation Safety Officer

**\* - C Cramford, VP Field Operations**  
**D. Broadway, authorized user**

**# - Present at entrance meeting**

**\* - Present at exit meeting**