

October 23, 2008

EA-08-287

Alexander Macias, P.E.
Branch Manager
Snyder & Associates
123 East 4th Street
Maryville, MO 64468

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 030-34569/2008-001(DNMS) –
SNYDER & ASSOCIATES

Dear Mr. Macias:

This letter refers to the inspection conducted on October 1, 2008, at your facility in Maryville, Missouri. The purpose of this inspection was to examine activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and with the conditions in your license. Within these areas, the inspection consisted of a selected examination of procedures and representative records, observations of activities, and interviews with personnel. The enclosed report presents the results of this inspection.

Based on the results of this inspection, one apparent violation of Title 10 Code of Federal Regulations (CFR) Part 30.34(i) was identified and is being considered for escalated enforcement action 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 apparent violation involved a failure to use a minimum of two independent physical controls that form tangible barriers to secure a portable gauge, when the gauge was not under the control and constant surveillance of the licensee. The circumstances surrounding the apparent violation, the significance of the issues, and the need for lasting and effective corrective action were discussed with members of your staff at the initial inspection exit meeting on October 1, 2008 and a final inspection exit meeting by telephone on October 6, 2008. As a result, it may not be necessary to conduct a Predecisional Enforcement Conference (PEC) in order to enable the NRC to make an enforcement decision.

In addition, since your facility has not been the subject of escalated enforcement actions within the last two inspections, and based on our understanding of your corrective action, a civil penalty may not be warranted in accordance with Section VI.C.2 of the Enforcement Policy. The final decision will be based on your confirming on the license docket that the corrective actions previously described to the staff have been or are being taken.

Before the NRC makes its enforcement decision, we are providing you an opportunity to either: (1) respond to the apparent violation addressed in this inspection report within 30 days of the date of this letter or (2) request a PEC. If a PEC is held it will be open for public observation and the NRC will issue a press release to announce the time and date of the conference. Please contact John Madera at (630) 829-9721 within seven days of the date of this letter to notify the NRC of your intended response.

If you choose to provide a written response, it should be clearly marked as a "Response to An Apparent Violation in Inspection Report No. 030-34569/2008-001(DNMS); EA-08-287" and should include for each apparent violation: (1) the reason for the apparent violation, or, if contested, the basis for disputing the apparent violation; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken to avoid further violations; and (4) the date when full compliance will be achieved. Your response may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a PEC.

If you choose to request a PEC, the conference will afford you the opportunity to provide your perspective on the apparent violation and any other information that you believe the NRC should take into consideration before making an enforcement decision. The topics discussed during the conference may include: information to determine whether a violation occurred, information to determine the significance of a violation, information related to the identification of a violation, and information related to any corrective actions taken or planned to be taken. In presenting your corrective actions, you should be aware that the promptness and comprehensiveness of your actions will be considered in assessing any civil penalty for the apparent violation. The guidance in the enclosed excerpt from NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be helpful.

In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

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 or from the NRC's document 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, proprietary, or safeguards information so that it can be made available to the Public without redaction.

A. Macias

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If you have any questions concerning this matter, please contact John Madera of my staff at (630) 829-9721.

Sincerely,

/RA/

Steven A. Reynolds, Director
Division of Nuclear Materials Safety

Docket No. 030-34569
License No. 24-32019-01

Enclosures:

- 1. Inspection Report
- 2. Excerpt from NRC Information Notice 96-28

cc: Larry Bradshaw, Radiation Safety Officer
State of Missouri

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Letter to Alexander Macias, P.E. from Steven A. Reynolds dated October 23, 2008

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SNYDER & ASSOCIATES

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REGION III

Docket No. 030-34569

License No. 24-32019-01

Report: 030-34569/2008-001(DNMS)

Licensee: Snyder & Associates

Location Inspected: 123 East 4th Street
Maryville, Missouri

Inspection Date: October 1-6, 2008

Exit Meeting: October 6, 2008

Inspector: Geoffrey M. Warren, Health Physicist

Approved by: Patrick L. Loudon, Chief
Materials Inspection Branch

EXECUTIVE SUMMARY

**Snyder & Associates
Maryville, Missouri
NRC Inspection Report 030-34569/2008-001(DNMS)**

This was a routine inspection conducted on October 1 through 6, 2008, to review the activities conducted under the license as they relate to safety and compliance with the Commission's rules and regulations and with conditions in the license.

The inspector identified an apparent violation of Title 10 Code of Federal Regulations (CFR) Part 30.34(i) associated with an authorized user's failure to use a minimum of two independent physical controls that form tangible barriers to secure the portable gauge whenever the portable gauge is not under the control and constant surveillance of the licensee. This involved the use of only one lock to secure the gauge case lid closed while in the back of an open-bed truck, though the gauge case was secured in the truck with two independent cables and locks.

The radiation safety officer (RSO) stated that there had been occasions when the gauge was stored in the back of the open-bed pick-up truck as described above while it was unattended. The inspector determined that the root cause for the apparent violation was that licensee personnel misunderstood the requirements in 10 CFR 30.34(i) and had believed that they were securing the gauge properly in the truck.

As corrective action, the RSO immediately secured the gauge in the storage facility and committed to: (1) placing the cables through the top handle of the case in addition to the side handles so the cables cannot be moved behind the case; (2) shortening the cables on October 1, 2008, so that the case cannot be opened without removing the cables; and (3) briefing the two other gauge users before the next time they check out the gauge to ensure they understand and will implement the requirements in 10 CFR 30.34(i) when securing the gauge. Based on a follow-up telephone conversation with the RSO on October 15, 2008, all corrective actions were completed by October 8, 2008.

Report Details

1 Program Scope and Inspection History

Snyder & Associates (licensee) used portable gauges to evaluate physical properties at road and construction sites in northwestern Missouri. The licensee was authorized by NRC License No. 24-32019-01 to possess and use portable gauges at temporary job sites anywhere in the United States where the NRC maintains regulatory jurisdiction. At the time of the inspection, the licensee possessed a Troxler model 3440 gauge at the licensee's facility in Maryville, Missouri.

The licensee was previously inspected with no violations identified in March 1998 and November 2003.

2 Security of Portable Gauges

2.1 Inspection Scope

The inspector reviewed the licensee's method of securing portable gauges by interviewing the licensee's radiation safety officer (RSO), observing selected licensed activities, and reviewing selected licensee records.

2.2 Observations and Findings

The RSO, a gauge user, demonstrated how he secured the gauge in the back of an open-bed truck. The gauge was secured with two cables, individually locked, which passed through both side handles of the gauge case and secured the gauge to the truck on both sides of the truck bed. In addition, the case lid was secured with a single lock. However, the cables were sufficiently loose that they could be moved behind the case so that only the single lock on the case lid prevented removal of the gauge from the case. The cables, as designed, could not be made tighter. The RSO stated that he routinely secured the gauge in the truck in this fashion, and that, on occasion in the two previous months, he had left the truck unattended, not maintaining constant surveillance of the truck, while the gauge was in the bed of the truck. In addition, he stated that he had believed that the gauge security as described above met the NRC's requirements for gauge security.

Title 10 Code of Federal Regulations (CFR) 30.34(i) requires that the licensee use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever the gauges are not under the control and constant surveillance of the licensee. The licensee's use of a single lock to prevent removal of the gauge from the case while stored in the back of a truck is an apparent violation of 10 CFR 30.34(i).

The root cause of the violation was licensee personnel's misunderstanding the requirements in 10 CFR 30.34(i). The RSO immediately secured the gauge in the storage facility and committed to implementing the following corrective actions to prevent a similar violation: (1) placing the cables through the top handle of the case in addition to the side handles so the cables cannot be moved behind the case; (2) shortening the cables on October 1, 2008, so that the case cannot be opened without removing the cables; and (3) briefing the two other gauge users before the next time they check out

the gauge to ensure they understand and will implement the requirements in 10 CFR 30.34(i) when securing the gauge. Based on a follow-up telephone conversation with the RSO on October 15, 2008, all corrective actions were completed by October 8, 2008.

The inspector observed the storage of the gauge inside the licensee's facility in Maryville, Missouri, and determined that it was performed in accordance with this requirement.

2.3 Conclusions

The inspector identified an apparent violation of 10 CFR 30.34(i) involving the licensee's failure to use a minimum of two independent physical controls that form tangible barriers to secure the portable gauge whenever the portable gauge was not under the control and constant surveillance of the licensee. The licensee implemented adequate corrective actions to prevent a similar violation.

3 **Other Areas Inspected**

3.1 Inspection Scope

The inspector reviewed other areas of the licensee's radiation safety program by reviewing selected licensee records, including dosimetry and training records, shipping papers, and emergency procedures; and interviewing the RSO.

3.2 Observations and Findings

The licensee performed gauge inventories and leak tests at required frequencies, and maintained a dosimetry program which demonstrated that no individual received a radiation exposure in excess of regulatory limits. Shipping papers containing all required information and other appropriate documents were kept in vehicle cabs while the gauge was in transport. Gauge users had received appropriate training and understood routine procedures and emergency procedures which would be followed if the gauge had been damaged.

3.3 Conclusions

No violations of NRC requirements were identified.

4 **Exit Meeting Summary**

The inspector discussed the preliminary conclusions, as described in this report, with licensee management during the initial exit meeting conducted at the licensee's facility on October 1, 2008, and the final exit meeting conducted by telephone on October 6, 2008. The inspector discussed the activities reviewed, the inspection findings, and the apparent violation. The licensee did not identify any information reviewed during the inspection and proposed for inclusion in the inspection report as proprietary in nature.

LIST OF PERSONNEL CONTACTED

*# Larry Bradshaw, RSO

* Randy Mendenhall, Engineer

* attended the initial exit meeting on October 1, 2008

attended the final telephonic exit meeting on October 6, 2008