

NRC FORM 591M PART 1
(4-2010)
10 CFR 2.201

U.S. NUCLEAR REGULATORY COMMISSION

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSE/LOCATION INSPECTED: Hilty Quarries, Inc. 190 NW 251 Road Clinton, Missouri		2. NRC/REGIONAL OFFICE REGION III US NUCLEAR REGULATORY COMMISSION 2443 WARRENVILLE ROAD STE 210 LISLE IL 60532-4352	
REPORT NUMBER(S) 2010-001			
3. DOCKET NUMBER(S) 03038089	4. LICENSE NUMBER(S) 24-32757-01	5. DATE(S) OF INSPECTION 5/27/10	

LICENSEE:

The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Nuclear Regulatory Commission (NRC) rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector. The inspection findings are as follows:

- 1. Based on the inspection findings, no violations were identified.
- 2. Previous violation(s) closed.
- 3. The violation(s), specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is being taken, and the remaining criteria in the NRC Enforcement Policy, NUREG-1600, to exercise discretion, were satisfied.

_____ non-cited violation(s) were discussed involving the following requirement(s):

- 4. During this inspection, certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited. This form is a NOTICE OF VIOLATION, which may be subject to pooling in accordance with 10 CFR 19.11.

(Violations and Corrective Actions)

10 CFR 71.6(a) 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 Parts 107, 171-180, and 390-397.

Statement of Corrective Actions

I hereby state that, within 30 days, the actions described by me to the inspector will be taken to correct the violations identified. This statement of corrective actions is made in accordance with the requirements of 10 CFR 2.201 (corrective steps already taken, corrective steps which will be taken, date when full compliance will be achieved). I understand that no further written response to NRC will be required, unless specifically requested.

TITLE	PRINTED NAME	SIGNATURE	DATE
LICENSEE	Joe H. Hilty	<i>Joe H. Hilty</i>	6/22/10
NRC INSPECTOR	Robert G. Gattone, Jr.	<i>Robert G. Gattone, Jr.</i>	6/21/10

RRP

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(Continued)

49 CFR 177.817(e) requires, in part, that the driver of a motor vehicle containing hazardous material ensure that the shipping paper required by 49 CFR 177.817(a) 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 the driver's immediate reach while the driver 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. Pursuant to 49 CFR 172.101, radioactive material is classified as a hazardous material.

Contrary to the above, from approximately November 1, 2009, to May 27, 2010, including on May 27, 2010, the licensee transported a portable gauge (gauge) containing approximately 8 millicuries of cesium-137 and 40 millicuries of americium-241 outside the site of usage, as specified on the NRC license, or on a public highway, and the driver of the vehicle did not ensure that the shipping paper was readily available in the driver's compartment, as required. Specifically, the licensee transported the gauge to and from temporary job sites in Missouri and, when the driver was at the vehicle's controls, the shipping paper was not readily visible to a person entering the driver's compartment or in a holder that was mounted to the inside of the door on the driver's side of the vehicle; rather, the shipping paper was either behind the driver's visor or inside of a center console storage compartment. In addition, when the driver was not at the vehicle's controls, the shipping paper was not in a holder that was mounted to the side of the door on the driver's side of the vehicle or on the driver's seat in the vehicle; rather, the shipping paper was either behind the driver's visor or inside of a center console storage compartment.

The violation is being cited because it was identified by the inspector.

As corrective action, the licensee committed to stow the shipping paper as required, beginning with the next time licensed material was transported. In addition, the licensee committed to train applicable staff about compliance with 49 CFR 177.817(e) and have the Radiation Safety Officer monitor future compliance with the requirement.

Docket File Information
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6. INSPECTION PROCEDURES USED 87124	7. INSPECTION FOCUS AREAS 03.01-03.07		

SUPPLEMENTAL INSPECTION INFORMATION

1. PROGRAM CODE(S) 03121	2. PRIORITY 5	3. LICENSEE CONTACT Joe Hilty, RSO	4. TELEPHONE NUMBER 660-885-8135
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Main Office Inspection Next Inspection Date: 05/27/2015

Field Office Inspection _____

Temporary Job Site Inspection Highway 52 & Highway 71, Butler, MO

PROGRAM SCOPE

The licensee used a Troxler Model 3430 (Serial No. 62683) gauge (gauge) containing approximately 8 millicuries of cesium-137 and 40 millicuries of americium-241 to measure moisture and density of construction materials at temporary job sites in Missouri. The RSO and another individual were the only authorized users.

Performance Observations

The inspector observed: (1) that licensed material was secured in accordance with 10 CFR 30.34(i); (2) that the gauge was transported in a required package with required labels and markings; (3) a maximum of 6 millirem per hour at the package surface based on the inspector's independent ambient exposure rate survey with an NRC survey instrument; (4) observed that the gauge shutter was completely closed; (5) that the source rod was kept locked when not in use; (6) an authorized user wear his dosimeter badge while conducting licensed activities at a temporary job site; (7) an authorized user demonstrate how he would respond to a transportation accident based on a scenario posed by the inspector; (8) that the gauge was blocked and braced as required during transport; (9) an authorized user take measurements of moisture and density of construction materials with the gauge at a temporary job site; and (10) an authorized user carry a proper shipping paper as required.