

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED:
Conestoga-Rovers and Associates
14496 Sheldon Road, Suite 200
Plymouth, MI 48170
REPORT NUMBER(S): 10-01

2. NRC/REGIONAL OFFICE
U.S. Nuclear Regulatory Commission, Region III
2443 Warrenville Road, Suite 210
Lisle, Illinois 60532

3. DOCKET NUMBER(S)
030-36768

4. LICENSEE NUMBER(S)
21-32548-01

5. DATE(S) OF INSPECTION
October 12, 2010 with continued in-office
review through November 1, 2010

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
- 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 posting in accordance with 10 CFR 19.11

10 CFR 71.5(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.

- A. 49 CFR 172.403 requires, in part, with exceptions not applicable here, that each package of radioactive material be labeled, as appropriate, with two RADIOACTIVE WHITE-I, RADIOACTIVE YELLOW-II, or RADIOACTIVE YELLOW-III labels on opposite sides of the package. The contents, activity, and transport index must be entered in the blank spaces on the label using a legible and durable, weather resistant means.

Contrary to the above, on multiple occasions between February 11 and October 12, 2010, the licensee transported outside the confines of its plant a portable moisture/density gauge containing sealed sources of cesium-137 and americium-241, and the RADIOACTIVE label affixed to the package did not identify the contents, activity, or transport index. Specifically, on one of the two labels the contents, activity, and transport index were illegible.

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'S REPRESENTATIVE	Dan Krubs RSO	<i>Dan Krubs</i>	11-2-2010
NRC INSPECTOR	Andrew M. Bramnik	<i>Andrew M. Bramnik</i>	11/1/2010
BRANCH CHIEF	Tamara E. Bloomer	<i>T. Bloomer</i>	11/1/10

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED:
Conestoga-Rovers and Associates
14496 Sheldon Road, Suite 200
Plymouth, MI 48170
REPORT NUMBER(S) 10-01

2. NRC/REGIONAL OFFICE
U.S. Nuclear Regulatory Commission, Region III
2443 Warrenville Road, Suite 210
Lisle, Illinois 60532

3. DOCKET NUMBER(S)
030-36768

4. LICENSEE NUMBER(S)
21-32548-01

5. DATE(S) OF INSPECTION
October 12, 2010 with continued in-
office review through November 1, 2010

(Continued from Part 1)

The root cause of this violation was insufficient oversight of the gauge transport case, in that the licensee did not identify or correct the damaged label that resulted from normal use. As corrective actions, the licensee obtained a new label from the manufacturer, identified the required information on the label, and affixed the new label to the transport case on October 29, 2010. As long-term corrective actions, the licensee will monitor the labels after the gauges return from temporary job sites, and as a part of their annual calibration.

This is a Severity Level IV Violation (Section 6.8.d.4)

- B. 49 CFR 172.702 requires that each hazmat employer shall ensure that each hazmat employee is trained and tested, and that no hazmat employee performs any function subject to the requirements of 49 CFR Parts 171-177 unless trained, in accordance with Subpart H of 49 CFR Part 172. The terms Hazmat Employer and Hazmat Employee are defined in 49 CFR 171.8.

49 CFR 172.704(a) specifies the elements of hazmat employee training as: (1) general awareness/familiarization training, (2) function-specific training, and (3) safety training. 49 CFR 172.204(c) requires, in part, that a hazmat employee receive initial training, and recurrent training at least once every three years.

Contrary to the above, during the period between June 24, 2004 and November 1, 2010, the licensee did not provide training for its hazmat employees which satisfied the requirements in Subpart H to 49 CFR Part 172, and the licensee otherwise meets the definition of hazmat employer in 49 CFR 171.8. Specifically, one of the licensee's three gauge users completed the required DOT hazmat training in 2004 and had not completed recurrent training, while two gauge users had no record of having completed initial training.

The root cause of this violation was a lack of awareness of the requirements in 49 CFR to complete initial and recurrent hazmat training. As corrective actions, the licensee will require that all gauge users complete a combined DOT hazmat and Resource Conservation Recovery Act (RCRA) training course on December 8 and 9, 2010. As long-term corrective actions, the licensee will input the requirements for initial and recurrent DOT hazmat training into its online training system by November 5, 2010.

This is a Severity Level IV Violation (Section 6.3.d.4)

Docket File Information
SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE Conestoga-Rovers and Associates 14496 Sheldon Road, Suite 200 Plymouth, MI 48170 REPORT NUMBER(S) 10-01		2. NRC/REGIONAL OFFICE U.S. Nuclear Regulatory Commission, Region III 2443 Warrenville Road, Suite 210 Lisle, Illinois 60532	
3. DOCKET NUMBER(S) 030-36768	4. LICENSEE NUMBER(S) 21-32548-01	5. DATE(S) OF INSPECTION October 12, 2010 with continued in-office review through November 1, 2010	
6. INSPECTION PROCEDURES 87124	7. INSPECTION FOCUS AREAS 03.01 – 03.07		

SUPPLEMENTAL INSPECTION INFORMATION

1. PROGRAM 3121	2. PRIORITY 5	3. LICENSEE CONTACT Dan Kribs, RSO	4. TELEPHONE NUMBER 734-453-5123
<input checked="" type="checkbox"/> Main Office Inspection		Next Inspection Date: October 2015	
<input type="checkbox"/> Field Office Inspection _____			
<input type="checkbox"/> Temporary Job Site Inspection _____			

PROGRAM SCOPE

The licensee is a private engineering services and consulting company that works in and around the Detroit, Michigan, area. At the time of the inspection, the licensee possessed two Troxler model number 3440 portable moisture/density gauges at their main office in Plymouth, Michigan. The licensee is not authorized to perform any non-routine maintenance or service activities on the gauges. As of the inspection date, the licensee was in the process of renewing their NRC license, including an update to their company name from Conestoga-Rovers and Associates to Inspecsol Engineering, Inc. No change of ownership, personnel, or organizational structure was associated with this change of name.

Performance Observations

No work at temporary job sites was available for observation at the time of the inspection. Interviews conducted with available staff revealed an adequate level of understanding of emergency and material handling procedures and techniques. Both gauges were observed as adequately secured with two independent barriers to removal while in storage. The licensee demonstrated how gauges were transported while using two independent barriers, as well as how gauges were tracked by utilization logs.

Independent measurements taken did not indicate readings in excess of Title 10 Code of Federal Regulations (10 CFR) Part 20 limits in restricted or unrestricted areas. Personal whole body dosimetry was observed being worn by the staff during the inspection, and records did not indicate doses in excess of 10 CFR Part 20 limits. A records review indicated that required physical inventories, leak tests, and personnel training had been completed.

The licensee possessed a survey meter as required, but it had not been calibrated since November 2004, and failed a battery test. Although not a violation of regulatory requirements, the licensee replaced the battery and sent the gauge for calibration before October 29, 2010.

Two violations of Department of Transportation (DOT) requirements were identified during this inspection: (1) for failure to ensure that a RADIOACTIVE label affixed to a transport case identified the contents, activity, and transport index; and (2) for failure to ensure that gauge users completed initial and recurrent DOT hazmat training. The violations are described in Parts 1 and 2, above.