



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

REGION III  
2443 WARRENVILLE RD. SUITE 210  
LISLE, ILLINOIS 60532-4352

**July 28, 2014**

EA-14-107

Mr. Eric H. Lidholm, P.E.  
Principal and Radiation Safety Officer  
Crockett Geotechnical – Testing Lab  
500 Big Bear Boulevard  
Columbia, MO 65202

**SUBJECT: NOTICE OF VIOLATION – CROCKETT GEOTECHNICAL – TESTING LAB, INC.;  
NRC SPECIAL INSPECTION REPORT NO. 03038643/2014002(DNMS)**

Dear Mr. Lidholm:

This letter refers to the special inspection conducted at your facility located in Columbia, Missouri, on June 3, 2014. The purpose of the inspection was to followup on a report you made on May 22, 2014, about an incident that happened at a temporary job site in Boone County, Missouri, on May 21, 2014. During the inspection, an apparent violation of NRC requirements was identified. The significance of the issue and the need for lasting and effective corrective actions were discussed with your staff during the exit meeting held on June 3, 2014. Details regarding the apparent violation were provided in NRC Inspection Report No. 03038643/2014001(DNMS) dated July 2, 2014.

In the letter transmitting the inspection report, we provided you with the opportunity to address the apparent violation identified in the report by either attending a predecisional enforcement conference or by providing a written response before we made our final enforcement decision. In a letter dated July 14, 2014, you provided a written response to the apparent violation.

Based on the information developed during the inspection and the information that you provided in your response dated July 14, 2014, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the subject inspection report. Specifically, the NRC identified that a portable gauge was left unattended and unsecured at a temporary jobsite when the technician using the gauge walked away from the gauge to converse with another individual on the jobsite. During the short interval while the technician's attention was diverted, a piece of heavy machinery drove over the gauge, burying it in loose soil. The root cause of the violation was individual error by the technician, who was distracted by concerns with the soil readings. This is of significant concern to the NRC because, while in this case the gauge was not damaged, there was a chance for it to have been, which could have resulted in adverse impacts to the health and safety of the construction work force. Therefore, this violation has been categorized, in accordance with the NRC Enforcement Policy, at Severity Level III.

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$3,500 is considered for a Severity Level III violation.

Because your facility has not been the subject of escalated enforcement actions within the last two years or two inspections, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy. The NRC considered the information provided in the inspection report and in your July 14, 2014, letter. Your staff's immediate corrective actions were to safely recover the gauge and to verify that it was not damaged. Your staff also retrained the individual technician on nuclear gauge radiation safety on June 12, 2014. In addition, you spoke with each technician on the day of the incident, reminding them of the need to retain control of the gauge at all times in the field and held a meeting on the morning of May 22, 2014, to again review the incident. As long-term corrective actions, you stated in your July 14, 2014, letter that you discuss moisture/density gauge operation/safety at each meeting held whenever weather events allow for all personnel to be in your facility simultaneously. On the basis of these corrective actions, the NRC determined that *Corrective Action* credit was warranted.

Therefore, to encourage prompt and comprehensive correction of violations, and in recognition of the absence of previous escalated enforcement action, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty. In addition, issuance of this Severity Level III violation constitutes escalated enforcement action that may subject you to increased inspection effort.

The NRC has concluded that information regarding: (1) the reason for the violation; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in the inspection report and in your letter dated July 14, 2014. 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 enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room and in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the

E. Lidholm

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NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. The NRC also includes significant enforcement actions on its Web site at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>.

Sincerely,

*/RA/*

Cynthia D. Pederson  
Regional Administrator

Docket No. 030-38643  
License No. 24-35065-01

Enclosure:  
Notice of Violation

cc: State of Missouri

## NOTICE OF VIOLATION

Crockett Geotechnical – Testing Lab  
Columbia, Missouri

Docket No. 03038643  
License No.24-35065-01  
EA-14-107

During an NRC inspection conducted on June 3, 2014, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of the *Code of Federal Regulations* (10 CFR) Section 20.1802 requires that the licensee control and maintain constant surveillance of licensed material that is in a controlled or unrestricted area and that is not in storage.

10 CFR 30.34(i) requires that each portable gauge licensee use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.

Contrary to the above, on May 21, 2014, the licensee failed to control and maintain constant surveillance over licensed material that was not in storage and failed to use a minimum of two independent physical controls that formed tangible barriers to secure a portable gauge while it was not under control and constant surveillance. Specifically, an authorized user failed to maintain control and constant surveillance over a gauge containing licensed material and that gauge was driven over and buried by construction equipment.

This is a Severity Level III violation (Sections 6.3 and 6.7).

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in Inspection Report No. 03038643/2014001(DNMS) dated July 2, 2014, and your response dated July 14, 2014. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, EA-14-107," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region III, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, 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 the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, your response

Enclosure

should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated this 28th day of July, 2014

NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. The NRC also includes significant enforcement actions on its Web site at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>.

Sincerely,

*/RA/*

Cynthia D. Pederson  
Regional Administrator

Docket No. 030-38643  
License No. 24-35065-01

Enclosure:  
Notice of Violation

cc: State of Missouri

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\*See previous concurrences

ADAMS Accession Number: ML14210A566

OFFICE	RIII	RIII	RIII	D:OE	RIII	RIII
NAME	Lougheed*	McCraw*	Louden*	Holahan <sup>1</sup> Norman for	Orth	Pederson
DATE	07/18/14	07/21/14	07/21/14	07/25/14	07/28/14	07/28/14

**OFFICIAL RECORD COPY**

<sup>1</sup> OE concurrence provided via email from K. Norman on July 25, 2014