

**SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION**

1. LICENSEE/LOCATION INSPECTED:  Mathis & Associates 114 N. Broadway Poplar Bluff, MO 63901  REPORT NUMBER(S) 2016-001		2. NRC/REGIONAL OFFICE  Region III U. S. Nuclear Regulatory Commission 2443 Warrenville Road, Suite 210 Lisle, IL 60532-4352	
3. DOCKET NUMBER(S)  030-31408	4. LICENSE NUMBER(S)  24-26087-01	5. DATE(S) OF INSPECTION  June 16, 2016, within in-office review through June 27, 2015	

**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, 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 in accordance with NRC Enforcement Policy. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11.  
(Violations and Corrective Actions)


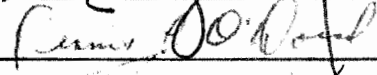

Title 10 CFR 71.51(a) requires that a licensee who transports licensed material outside of the site of usage as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 107, 171-180, and 390-397.

Title 49 CFR 172.702 states, in part, 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.

Continued on Part 2

**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	Thomas J. Mathis		7/08/16
NRC INSPECTOR	Dennis P. O'Dowd		6/27/16
BRANCH CHIEF	Aaron T. McCraw		6/28/16

### SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

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(Continued)

Title 49 CFR 172.704(a) specifies the elements of hazmat employee training as: (1) general awareness/familiarization training, (2) function-specific training, (3) safety training, (4) security awareness training, and (5) in-depth security training, if applicable. Title 49 CFR 172.704(c) requires, in part, that a hazmat employee receive initial training, and recurrent training at least once every three years.

Contrary to the above, as of June 16, 2016, the licensee failed to provide training for its two hazmat employees that satisfied the requirements in Subpart H to 49 CFR 172, in that the licensee's portable gauge user/Radiation Safety Officer (RSO), and another gauge user, both employees who independently transported hazardous materials within the last three years, had not completed recurrent training at least once every three years, and the licensee otherwise meets the definition of hazmat employer in 49 CFR 171.8. Specifically, the portable gauge user/RSO, and another gauge user, had not completed the recurrent training since their initial training, and both individuals received initial training more than three years ago.

The root cause of the violation was that the licensee was unaware of the DOT hazmat training requirement. As corrective actions, the licensee committed to providing the required hazmat training to the two hazmat employees no later than 30 days from the date of the inspection. The licensee also committed to ensuring that recurrent hazmat training will be provided at least once every three years.

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

**Docket File Information**

**SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION**

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<p>3. DOCKET NUMBER(S)</p> <p>030-31408</p>	<p>4. LICENSE NUMBER(S)</p> <p>24-26087-01</p>	<p>5. DATE(S) OF INSPECTION</p> <p>June 16, 2016, within in-office review through June 27, 2015</p>
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<p>6. INSPECTION PROCEDURES USED</p> <p>87124</p>	<p>7. INSPECTION FOCUS AREAS</p> <p>03.01-03.07</p>
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**SUPPLEMENTAL INSPECTION INFORMATION**

<p>1. PROGRAM CODE(S)</p> <p>03121</p>	<p>2. PRIORITY</p> <p>5</p>	<p>3. LICENSEE CONTACT</p> <p>Thomas "Jim" Mathis, Owner/RSO</p>	<p>4. TELEPHONE NUMBER</p>
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Main Office Inspection      Next Inspection Date: June 2021

Field Office Inspection \_\_\_\_\_

Temporary Job Site Inspection \_\_\_\_\_

**PROGRAM SCOPE**

This was a routine inspection of a small surveying/engineering company that utilized a portable gauge for moisture and density testing. The licensee possessed one Campbell Pacific Nuclear (CPN) Model No. MC-3 gauge at its office in Poplar Bluff, Mo, for use once or twice weekly during the construction season for soil testing. The licensee employed two individuals authorized to use the gauge, including the radiation safety officer. The licensee was not authorized to perform any non-routine maintenance or service activities on the gauge.

**PERFORMANCE OBSERVATIONS**

At the time of this inspection, the gauge was not in use, and no work at temporary job sites was available for observation. The inspection consisted of interviews with available staff, direct observations, review of pertinent records, and independent measurements. Interviews conducted with available staff revealed an adequate level of understanding of emergency and material handling procedures and techniques. During the inspection, the gauge was observed as adequately secured with two independent barriers to removal while in storage. The licensee described how the gauge was transported while using two independent barriers. Independent measurements taken did not indicate readings in excess of Part 20 limits in restricted or unrestricted areas. The licensee retained over 10 years of dosimetry records as documentation that unmonitored individuals were not likely to receive in one year a radiation dose in excess of 10 percent of the allowable limits. The licensee had access to a radiation survey meter from the nearby county emergency management department in the event of an incident involving a gauge. A review of records on site and during the in-office review indicated that required leak tests were performed at appropriate intervals.

During this inspection, the inspector identified one violation with regard to DOT hazmat training. Specifically, licensee personnel had not received recurrent training at the required 3-year interval since the initial hazardous materials training received when the gauge users were first qualified. The violation, root cause, and corrective actions are described in Parts 1 & 2 of this form.