

**SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION**

1 LICENSEE/LOCATION INSPECTED Magruder Paving, LLC 255 Watson Road Troy, Missouri 63379  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) 030-38234	4. LICENSE NUMBER(S) 24-32782-01	5 DATE(S) OF INSPECTION 06/28/2016, with in-office review through 07/26/2016	

**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:

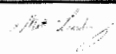


- 1. Based on the inspection findings, no violations were identified.
- 2. Previous violation(s) closed.
- 3. The violation(s), specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is 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 Code of Federal Regulations (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 through 180, and 390 through 397.

Continued on NRC FORM 591M 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	Matt Lindsay	 <small>Digitally signed by Matthew Lindsay DN: cn=Matthew Lindsay, o=Magruder Paving, LLC, ou, email=mlindsay@magrudercompanies.com, c=US Date: 2016.08.18 12:58:40 -0500</small>	
NRC INSPECTOR	Bill C. Lin		8/15/16
BRANCH CHIEF	Aaron T. McCraw	 for ATM	8/15/16

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255 Watson Road  
Troy, Missouri 63379

REPORT NUMBER(S) 2016-001

2 NRC/REGIONAL OFFICE

Region III  
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2443 Warrenville Road, Suite 210  
Lisle, IL 60532-4352

3. DOCKET NUMBER(S)

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5. DATE(S) OF INSPECTION

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review through 07/26/2016

(Continued)

Title 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 172.704(c) requires, in part, that a hazmat employee receive initial training, and recurrent training at least once every three years.

Contrary to the above, between February 26, 2010 through August, 2016, a period greater than three years, the licensee failed to 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 a hazmat employer in 49 CFR 171.8. Specifically, the last hazmat training provided by the licensee was on February 25, 2010.

The root cause of the violation was human error. The Radiation Safety Officer (RSO) did not realize that there was a three year refresher training requirement for the DOT hazmat training. All of the licensee gauge users will complete the hazmat training by the end of August 2016 and will track the training to ensure that the recurrent training is provided at least once every three years thereafter.

**Docket File Information**  
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6. INSPECTION PROCEDURES USED  87124	7. INSPECTION FOCUS AREAS  3.01-3.07	

**SUPPLEMENTAL INSPECTION INFORMATION**

1. PROGRAM CODE(S)  03121	2. PRIORITY  5	3. LICENSEE CONTACT  Matt Lindsay	4. TELEPHONE NUMBER  (636) 299-7868
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Main Office Inspection      Next Inspection Date: 06/28/2021

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

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

**PROGRAM SCOPE**

This was a routine inspection of a licensee that is authorized to possess and use a Seaman Nuclear Model, C-300 Series and two Troxler Model 3242 portable gauging devices at temporary job sites anywhere in the United States where the NRC maintains regulatory jurisdiction. The licensee employs 12 gauge users that will utilized the gauges on a weekly basis during construction season. The gauges are stored in the licensee's testing lab using two tangible barriers.

**Performance Observation**

During the inspection, the inspector reviewed and discussed with the RSO: (1) Two tangible barriers for gauge security and padlocks while unattended; (2) DOT requirements and shipping papers; (3) dosimetry; (4) leak tests; (5) survey meter; and (6) emergency procedures. The inspector performed independent radiation measurements which indicated no dose concerns and consistent with expected readings. The inspector performed an in-office review of the licensee's leak tests and training records until July 26, 2016. The records were not available during the on-site inspection. The inspector performed a telephone exit with the RSO on July 26, 2016.

One violation of NRC requirements concerning DOT hazmat training was identified during this inspection.

*GW  
for ATM*

## Lin, Bill

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**From:** Matt Lindsay <matt\_lindsay@magrudercompanies.com>  
**Sent:** Thursday, August 18, 2016 1:00 PM  
**To:** Lin, Bill  
**Subject:** [External\_Sender] RE: final inspection report  
**Attachments:** finalmagruderinspection.pdf

Here is the report digitally signed.

**From:** Lin, Bill [mailto:Bill.Lin@nrc.gov]  
**Sent:** Monday, August 15, 2016 9:33 AM  
**To:** Matt Lindsay  
**Subject:** final inspection report

Mr. Lindsay,

The attached is the final inspection report. Please review the report, sign it, and then return it back to me. Once I received the signed copy from you, I will consider the inspection close. If there are any questions, please feel free to contact me at 630-829-9829.

Thanks,

Bill Lin  
U.S. NRC  
Health Physicist