

**SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION**

1. LICENSEE/LOCATION INSPECTED:

APEX Environmental Consultants, Inc.  
14955 W. 101<sup>st</sup> Terrace  
Lenexa, Kansas 66215  
Location Inspected: 14955 W. 101<sup>st</sup> Terrace, Lenexa, Kansas

2. NRC/REGIONAL OFFICE  
U.S. Nuclear Regulatory Commission  
Region IV  
1600 East Lamar Boulevard  
Arlington, Texas 76011-4511

REPORT NO: 030-38375/2016-001

3. DOCKET NUMBER

030-38375

4. LICENSE NUMBER

15-29409-01

5. DATE OF INSPECTION

April 14 – May 4, 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 violations, 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 was discussed involving the following requirements and Corrective Actions:

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.

A. 10 CFR 20.1101(c) requires that the licensee shall periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, on the licensee failed to periodically (at least annually) review the radiation protection program content and implementation. Specifically, the licensee had not reviewed the radiation protection program content and implementation during the calendar years 2011, 2012, 2013, 2014 and 2015.

This is a Severity Level IV violation. (Violation Example 6.3)

Continued on Part 2

**Licensee's Statement of Corrective Actions for Item 4, above.**

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			
NRC INSPECTOR	Donald Stearns	<i>Donald L Stearns</i>	May 7 2016
BRANCH CHIEF	Ray Kellar	<i>Ray Kellar</i>	9/19/16

**SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION**

1. LICENSEE/LOCATION INSPECTED:  APEX Environmental Consultants, Inc. <u>Location Inspected:</u> 14955 W. 101 <sup>st</sup> Terrace, Lenexa, Kansas REPORT NO: 030-38268/2015-001		2. NRC/REGIONAL OFFICE  U.S. Nuclear Regulatory Commission Region IV, 1600 East Lamar Blvd Arlington, Texas 76011-4511	
3. DOCKET NUMBER  030-38375	4. LICENSE NUMBER  15-29409-01	5. DATE OF INSPECTION  April 14 – May 4, 2016	

**CONTINUED FROM PART 1**

B. License Condition 17 of NRC License 15-29409-01, states that the licensee is authorized to transport licensed material only in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material." 10 CFR 71.5(a) requires, in part, that each licensee who transports licensed material outside 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, shall comply with the applicable requirements of the US Department of Transportation (DOT) regulations in 49 CFR Parts 107, 171 through 180, and 390 through 397, appropriate to the mode of transport.

49 CFR 172.702(b) requires, in part, that a hazmat employee who performs any function subject to the requirements of this subchapter may not perform that function unless instructed in the requirements of this subchapter that apply to that function. It is the duty of each hazmat employer to comply with the applicable requirements of this subchapter and to thoroughly instruct each hazmat employee in relation thereto.

Contrary to the above, licensee hazmat employees performed functions subject to the requirements of 49 CFR 172 without being instructed in the requirements of 49 CFR 172. Specifically, since the issuance of the license on September 9, 2010, hazmat employees transported DOT Class 7 material without the licensee ensuring that hazmat employees received the training required by 49 CFR 172.702.

This is a Severity Level IV violation (Section 6.8).

The licensee completed a review of the radiation protection program and forwarded that document to the NRC Regional Office. Training for DOT requirements was completed by both individuals using the instrument.

*Replacement for initial Form 1, which was lost or misplaced. TK  
9/19/16*