



UNITED STATES
NUCLEAR REGULATORY COMMISSION

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

November 3, 2017

Mr. Christopher Calvin Stroud II
Lab Supervisor
Chester Bross Construction
P.O. Box 430
Hannibal, MO 63401

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03034750/2017001(DNMS) AND
NOTICE OF VIOLATION – CHESTER BROSS CONSTRUCTION

Dear Mr. Stroud:

On October 13, 2017, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection at your facility in Palmyra, Missouri, with continued in-office review through October 19, 2017. The purpose of the inspection was to review activities performed under your NRC license to ensure that activities were being performed in accordance with NRC requirements. The in-office review included a review of information that was unavailable during the onsite inspection, including your long-term corrective actions to prevent recurrence of violations of regulatory requirements. Mr. Robert Gattone of my staff conducted a final exit meeting by telephone with you on October 19, 2017, to discuss the inspection findings.

During this inspection, the NRC staff examined activities conducted under your license related to public health and safety. Additionally, the staff examined your compliance with the Commission's rules and regulations as well as the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on the results of this inspection, the NRC has determined that three Severity Level IV violations of NRC requirements occurred. The violations were evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violations concerned the licensee's failure to: (1) 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, as required by Title 10 of the *Code of Federal Regulations* (CFR) Section 30.34(i); (2) label a package of radioactive material with two Radioactive Yellow-II labels on opposite sides of a package that contained a portable gauge prior to transporting the gauge, as required by 10 CFR 71.5 and 49 CFR 172.403(f); and (3) either possess and use, or have access to and use, a radiation survey meter, as required by Condition 21 of NRC License No. 24-32098-01. The violations are cited in the enclosed Notice of Violation (Notice). The NRC is citing the violations in the enclosed Notice because the inspector identified them.

The inspector determined that the root cause of the violations was licensee oversight. As corrective actions to restore compliance and prevent recurrence, the licensee: (1) immediately secured a portable gauge using two independent physical controls; (2) implemented a daily check of the storage location to ensure that all of the portable gauges are secured as required

when the shift is over; (3) committed to retrain all authorized users on the importance of gauge safety and proper locking requirements; (4) committed to not transport portable gauges unless the package is properly labeled; (5) committed to retrain authorized users on how to label a package containing a gauge with the required labels on opposite sides of the package prior to transporting the gauge as required; (6) will place pictures in the gauge storage area showing the required labels and where they are to be put on packages containing gauges; (7) purchased a survey meter and committed to ensure that it remains in proper working order.

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance was or will be achieved is already adequately addressed on the docket in this letter. Therefore, you are not required to respond to this letter unless the description herein 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's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, any response should not include any personal privacy, proprietary, or safeguards information so that it can be made publicly available without redaction.

Please feel free to contact Mr. Gattone if you have any questions regarding this inspection. Mr. Gattone can be reached at 630-829-9823.

Sincerely,

/RA/

Aaron T. McCraw, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-34750
License No. 24-32098-01

Enclosure:
Notice of Violation

cc w/encl: State of Missouri

Letter to Christopher Calvin Stroud II from Aaron McCraw dated November 3, 2017.

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03034750/2017001(DNMS) AND
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DATE	11/2/2017		11/3/2017					

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Chester Bross Construction
Hannibal, Missouri

License No. 24-32098-01
Docket No. 030-34750

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on October 13, 2017, with continued in-office review through October 19, 2017, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Title 10 of the *Code of Federal Regulations* (CFR) Section 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 October 13, 2017, the licensee did not use a minimum of two independent physical controls that form tangible barriers to secure a portable gauge from unauthorized removal, when the portable gauge was not under the control and constant surveillance of the licensee. Specifically, a gauge was in its transportation case in a locked room, with that locked room serving as the only physical control preventing unauthorized removal of one portable gauge.

This is a Severity Level IV violation (Section 6.3).

- B. Title 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 in 49 CFR Parts 107, 171-180, and 390-397.

Title 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.

Contrary to the above, on October 3 and 11, 2017, the licensee transported outside the confines of its facility and on public highways approximately 6 millicuries of cesium-137 and approximately 39 millicuries of americium-241 with only one RADIOACTIVE YELLOW-II label on one side of the package.

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

- C. Condition 21 of Amendment No. 07 of NRC License No. 24-32098-01 states, in part, that the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in documents, including any enclosures as listed. One of the enclosures is a letter dated July 15, 2008, which states, in part, "We will either possess and use, or have access to and use, a radiation survey meter that meets the Criteria in the section entitled, 'Radiation Safety Program – Instruments' in NUREG-1556, Vol. 1, Rev. 1, dated November 2001."

Contrary to the above, from approximately 1998 through October 13, 2017, the licensee failed to possess and use, or have access to and use, a radiation survey meter that meets the Criteria in the section entitled, 'Radiation Safety Program – Instruments' in NUREG-1556, Vol. 1, Rev. 1, dated November 2001.

This is a Severity Level IV violation (Section 6.3).

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in the letter transmitting this Notice of Violation (Notice). 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, IR 03034750/2017001(DNMS)" 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.

If you choose to respond, your response will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, any response should not include any personal privacy, proprietary, or safeguards information so that it can be made publicly available without redaction.

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, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

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

Dated this 3rd day of November, 2017.