NRC FORM 591M PART 1 (07-2012) 10 CFR 2.201

U.S. NUCLEAR REGULATORY COMMISSION

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED:	2. NRC/REGIONAL OFFICE
Construction Materials Testing Group, LLC dba CMTG, LLC 5318 Blue Banks Avenue Kansas City, MO 64130 Location Inspected: Job Site in Adrian, MO REPORT NUMBER(S) 2018001	Region III U. S. Nuclear Regulatory Commission 2443 Warrenville Road, Suite 210 Lisle, IL 60532-4352

3. DOCKET NUMBER(S)	4. LICENSE NUMBER(S)	5. DATE(S) OF INSPECTION
030-31561	24-26162-01	October 2, 2018

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(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)

Contrary to 10 CFR 71.5(a), on October 2, 2018, Construction Materials Testing Group, LLC failed to comply with 49 CFR 177.817(a) which states that a person may not transport a hazardous material by highway unless that person has received a shipping paper prepared in accordance with Part 172 of this subchapter.

As corrective action for this Severity Level IV violation, the licensee obtained a new set of shipping papers for transporting the gauge back from the job site at the end of the day, checked all other vehicles used for gauge transportation to ensure that no other shipping papers were missing, and committed to audit these vehicles monthly to verify the presence of shipping papers in each.

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	FRED McDANIEL		10·31·18
NRC INSPECTOR	Ryan Craffey		10/22/2018
BRANCH CHIEF	Aaron McCraw		10/30/2018

NRC FORM 591M PART 3
(07-2012)
10 CFR 2.201

U.S. NUCLEAR REGULATORY COMMISSION

Docket File Information

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED:	2. NRC/REGIONAL OFFICE
Construction Materials Testing Group, LLC dba CMTG, LLC 5318 Blue Banks Avenue Kansas City, MO 64130 Location Inspected: Job Site in Adrian, MO REPORT NUMBER(S) 2018001	Region III U. S. Nuclear Regulatory Commission 2443 Warrenville Road, Suite 210 Lisle, IL 60532-4352

3. DOCKET NUMBER(S)	4. LICENSE NUMBER(S)	5. DATE(S) OF INSPECTION
030-31561	24-26162-01	October 2, 2018

6. INSPECTION PROCEDURES USED	7. INSPECTION FOCUS AREAS
87124	FE 1-6

SUPPLEMENTAL INSPECTION INFORMATION

1. PROGRAM CODE(S)	2. PRIORITY	3. LICENSEE CONTACT	4. TELEPHONE NUMBER
03121	5	Fred McDaniel - Field Supervisor, RSO	(816) 448-2663

☐ Main Office Inspection Next Inspection Date: TBD

☐ Field Office Inspection

☑ Temporary Job Site Inspection CR 12004 and Route T, Adrian, MO

PROGRAM SCOPE

This was an unannounced field inspection of a construction firm authorized to use or store portable gauges containing radioactive material at its facility in Kansas City, Missouri, and at temporary job sites in NRC jurisdiction. The scope of this inspection was limited to observations of licensed activities (quality control of pavement mats and joints using an InstroTek 3500 portable gauge) on the premises of a race track construction project outside of Adrian, Missouri. The authorized user on the job site was the licensee's RSO.

PERFORMANCE OBSERVATIONS

The inspector met with the RSO near the southeast corner of the job site after inspecting another portable gauge user performing quality assurance on the same project (see IR 15000001/2018001(DNMS)). The inspector observed the RSO perform compaction testing, and noted that he maintained at all times a level of control and constant surveillance that was adequate for the circumstances. The inspector discussed the use and transport of licensed material with the RSO, including emergency response measures. The RSO confirmed that he had access to survey meters at the authorized location of use in Kansas City, and learned shortly afterwards from the other portable gauge user that he also had access to an onsite survey meter. Through these observations and discussions, the inspector found the RSO to be knowledgeable and conscientious of radiation protection principles and licensee procedures.

The inspector requested to review available records, but the RSO was unable to locate any in his possession. The inspector therefore identified a violation of 10 CFR 71.5(a), for the licensee's failure to comply with 49 CFR 177.817(a), which requires persons transporting hazardous material on public highways to maintain shipping papers. The inspector determined that the root cause of the violation was an oversight. As corrective action, the RSO contacted his office and obtained a new set of shipping papers for transporting the gauge back from the job site at the end of the day. Upon returning to the office, he also checked all other vehicles used for gauge transportation to ensure that no other shipping papers were missing. The RSO located his original shipping papers alongside those in another vehicle. Following the onsite inspection, the RSO committed to audit these vehicles monthly to verify the presence of shipping papers in each.