

INSPECTION RECORD

Region: III

Inspection Report No. 2018001

License No. 24-35033-01

Docket No. 030-38604

Licensee: Baer Engineering, LLC  
313 N. Jackson St.  
Perryville, MO 63775

Locations Inspected: Same as above

Licensee Contact: Kyle Bierk, RSO

Telephone No. 573-547-2310

Program Code: 03121 Priority: 5

Type of Inspection: ( ) Initial (X) Routine ( ) Announced  
( ) Special (X) Unannounced

Last Inspection Date: 04/08/2013 Date of This Inspection: 09/21/2018-03/05/2019

Next Inspection Date: 09/21/2023 (X) Normal ( ) Reduced

Justification for reducing the routine inspection interval: N/A

Summary of Findings and Actions:

- ( ) No violations cited, clear U.S. Nuclear Regulatory Commission (NRC) Form 591 or regional letter issued
- ( ) Non-cited violations (NCVs)
- ( ) Violation(s), Form 591 issued
- (X) Violation(s), regional letter issued
- ( ) Follow-up on previous violations

Inspector: Luis Nieves, Health Physicist

/RA/  
Signature

Date 3/18/2019

Approved: Aaron T. McCraw, Chief, MIB

/RA Michael Kunowski Acting for /  
Signature

Date 3/18/2019

## **PART I - LICENSE, INSPECTION, INCIDENT/EVENT AND ENFORCEMENT HISTORY**

### 1. AMENDMENTS AND PROGRAM CHANGES SINCE LAST INSPECTION:

<u>AMENDMENT #</u>	<u>DATE</u>	<u>SUBJECT</u>
01	02/12/2014	Change of RSO.
02	05/06/2014	Removal of field location.

### 2. INSPECTION AND ENFORCEMENT HISTORY:

The previous/initial inspection of this licensee was on 04/08/2013. No violations of NRC requirements were identified.

### 3. INCIDENT/EVENT HISTORY:

There were no open items or events since the last routine inspection.

## **PART II - INSPECTION DOCUMENTATION**

### 1. ORGANIZATION AND SCOPE OF PROGRAM:

Baer Engineering is authorized under NRC Materials License No. 24-35033-01 to use licensed material for measuring physical properties of materials with nuclear gauging devices. Licensed material is authorized to be used anywhere in the United States in areas of NRC jurisdiction. The licensee uses the gauge on a daily basis for construction engineering projects throughout the Missouri area. The licensee uses a Troxler Model 3440 portable gauge, containing cesium-137 and americium-241.

### 2. SCOPE OF INSPECTION:

Inspection Procedure(s) Used: 87124

Focus Areas Evaluated: All

The inspector toured the licensee's office to evaluate the licensee's measures for material security, hazard communication and exposure control. The licensee employed four gauge users and only possessed one gauge. Through interviews with the RSO and several gauge users, the inspector found that the licensee's staff was knowledgeable and conscientious of radiation protection principles and licensee procedures for use, storage and transportation of portable gauges.

The inspector reviewed a selection of licensee records for inventories, leak tests, use logs, audits, dosimetry and public dose assessment. The inspector also reviewed the licensee's training materials and shipping papers.

3. INDEPENDENT AND CONFIRMATORY MEASUREMENTS:

Using a RadEye G survey meter calibrated on July 30, 2018, the inspector conducted independent surveys at the location inspected. The inspector found no readings that would indicate exposures to members of the public in excess of regulatory limits.

4. VIOLATIONS, NCVs, AND OTHER SAFETY ISSUES:

On September 21, 2018, the inspector identified one violation:

License Condition No. 12 of Amendment No. 02 of NRC License 24-35033-01 named an individual as the Radiation Safety Officer (RSO) for this license.

Contrary to the above, from September 2017 through February 6, 2019, the named individual failed to serve as the RSO. Specifically, the RSO listed on the license left the licensee's employment in September 2017, and the license was not amended to name a new RSO until February 6, 2019. The licensee submitted their amendment request to name the new RSO on November 9, 2018. The licensee's new RSO was an existing employee that was a qualified authorized gauge user that took over the duties of the former RSO.

The inspector determined that the root cause of the violation was licensee oversight, specifically licensee forgot to notify to the NRC before an RSO change. As corrective actions to restore compliance and to prevent recurrence, the licensee submitted an amendment request to name the new RSO on the license. In addition, the licensee committed to have a procedure for ensuring that a license amendment request is submitted to the NRC to change the RSO named on the license prior to the new RSO serving as the RSO. The licensee also committed to revise its annual audit template to remind itself that it must submit a license amendment request to the NRC to change the RSO named on the license prior to the new RSO serving as the RSO. The new RSO took on all of the responsibilities of the RSO as soon as the former RSO left the company.

This violation is an example of a SL IV violation per the Enforcement Policy Section 6.3(d)(8).

5. PERSONNEL CONTACTED:

- # Tim Baer – Owner
- Kyle Bierk - RSO
- # Attended exit meeting on March 5, 2019.

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