



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION III  
2443 WARRENVILLE ROAD, SUITE 210  
LISLE, ILLINOIS 60532-4352

June 23, 2021

Mr. Joe Heibel, RSO  
Continental Cement Company, LLC  
10107 Highway 79 South  
Hannibal, MO 63401

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03018167/2021001(DNMS) AND  
NOTICE OF VIOLATION – CONTINENTAL CEMENT COMPANY, LLC

Dear Mr. Heibel:

On June 1, 2021, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection at your facility in Hannibal, Missouri. 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. Mr. Luis Nieves of my staff conducted a final exit meeting with you on June 1, 2021, 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) annually review the radiation protection program, as required by Title 10 of the *Code of Federal Regulations* (10 CFR) 20.1101(c); (2) post each area containing radioactive material with a conspicuous sign as required by 10 CFR 20.1902(e); and (3) to perform shutter checks at intervals not to exceed 6 months as required by License Condition (LC) 16.A of NRC License Number 24-20263-01. The violations are being cited in the enclosed Notice of Violation (Notice). The NRC is citing the violations in the enclosed Notice because the inspector identified the violations.

The inspector determined that the root cause of the violations was licensee oversight; specifically, the RSO had delegated certain responsibilities to other individuals who were not overseen properly to ensure that all the requirements were being met. As corrective actions to restore compliance and to prevent recurrence, as of June 15, 2021, the licensee performed the required shutter checks, with no issues identified; replaced illegible radioactive material signs; and performed an audit of the program using a revised and improved audit form. The new audit form will prompt the RSO to review all the requirements for the license, including verifying that legible signs are posted and shutter checks are conducted at the proper frequency.

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 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, your 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. Nieves of my staff if you have any questions regarding this inspection. Mr. Nieves can be reached at (630) 829-9571.

Sincerely,

Michael Kunowski, Chief  
Materials Inspection Branch  
Division of Nuclear Materials Safety

License No. 24-20263-01  
Docket No. 030-18167

Enclosure: Notice of Violation

cc w/encl: State of Missouri

Letter to Joe Heibel from Michael Kunowski dated June 23, 2021.

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03018167/2021001(DNMS) AND  
NOTICE OF VIOLATION – CONTINENTAL CEMENT COMPANY, LLC

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OFFICE	RIII-DNMS		RIII-DNMS		RIII		RIII	
NAME	LNieves:brt		MKunowski					
DATE	06/23/2021		06/23/2021					

**OFFICIAL RECORD COPY**

## NOTICE OF VIOLATION

Continental Cement Company, LLC  
Hannibal, Missouri

License No. 24-20263-01  
Docket No. 030-18167

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on June 1, 2021, 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* (10 CFR) 20.1101(c) requires that the licensee periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, as of June 1, 2021, the licensee failed to review the radiation protection program content and implementation for calendar years 2019 and 2020.

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

- B. Title 10 CFR 20.1902(e) requires that the licensee post each area or room in which certain amounts of licensed material, specified in §20.1902(e), are used or stored, with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL(S)" or "DANGER, RADIOACTIVE MATERIAL(S)."

Contrary to the above, on June 1, 2021, the 3<sup>rd</sup> and 4<sup>th</sup> stage cyclones, an area or room in which two gauges with 4 curies of Cs-137 each were used, was not posted with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL(S)" OR "DANGER, RADIOACTIVE MATERIAL(S)". Specifically, the signs that were in place were covered in cement and not legible.

This is a Severity Level violation (Section 6.7).

- C. License Condition 16.A of amendment No. 16 of NRC license 24-20263-01 requires, in part, that each gauge be tested for the proper operation of the on-off mechanism (shutter) and indicator, if any, at intervals not to exceed 6 months.

Contrary to the above, from 2018 through June 1, 2021, the licensee failed to test each gauge for the proper operation of the on-off mechanism (shutter) at intervals not to exceed 6 months.

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 (this letter, the subject inspection report, etc.). 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 03018167/2021001(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.

Enclosure

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public 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 23<sup>rd</sup> day of June 2021.