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NRC FORM 591M PART 1
(7-2012)
10 CFR 2.201

U.S. NUCLEAR REGULATORY COMMISSION

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED:	2. NRC/REGIONAL OFFICE
Material Testing Services, Inc. 3001 N. Broadway Avenue Minot, North Dakota 58702 REPORT NO.: 2021-001	U.S. Nuclear Regulatory Commission Region IV, 1600 East Lamar Blvd. Arlington, Texas 76011-4511

3. DOCKET NUMBER	4. LICENSE NUMBER	5. DATE(S) OF INSPECTION
030-32117	33-27066-01	September 14, 2021

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) was/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 the 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)

10 CFR 71.5(a) requires, in part, that each licensee who transports licensed materials outside the site of usage or where transport is on public highways, shall comply with the applicable requirements of the U.S. Department of Transportation Regulations in 49 CFR Parts 171 through 180. 49 CFR 172.602(b) requires, in part, that emergency response information required by 49 CFR 172.602(a) must be available on a shipping paper, or in a document, other than a shipping paper, and (c) maintained in the same manner as prescribed for shipping papers.

Contrary to the above, on September 14, 2021, Material Testing Services, Inc. transported licensed materials on public highways and did not maintain emergency response information required by 49 CFR 172.602(a) in its source transport vehicle located at a temporary job site at the Minot Air Force Base. Specifically, the shippers Bill of Lading was immediately available to the driver, but the documents did not include information that can be used in the mitigation of an incident namely: (1) Immediate hazards to health; (2) Risks of fire or explosion; (3) Immediate precautions to be taken in the event of an accident or incident; (4) Immediate methods for handling fires; (5) Initial methods for handling spills or leaks in the absence of fire; and (6) preliminary first aid measures. This is a Severity Level IV violation (Enforcement Policy Section 6.8).

In response to this finding, Material Testing Services, Inc. will develop Emergency Response Information required by 49 CFR 172.602(a), place it in all transport vehicles, and include verifications in routine audits.

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	STEVEN WALD	Steven Wald	10/1/21
NRC INSPECTOR	Randolph Ragland	James L. Thompson Digitally signed by James L. Thompson Date: 2021.09.29 10:47:31 -05'00'	
BRANCH CHIEF	Lizette Roldán-Otero, PhD	Lizette Roldan-Otero Digitally signed by Lizette Roldan-Otero Date: 2021.10.21 06:25:29 -05'00'	

From: Thompson, James
To: swald@srt.com
Subject: NRC Inspection Report
Date: Wednesday, September 29, 2021 11:01:00 AM
Attachments: 591M for Material Testing Services.pdf
Importance: High

Steve,

Please find enclosed the report for the NRC inspection performed by Mr. Randy Ragland of NRC's Region 1 office; an exit meeting for this inspection was held with you at the conclusion of the onsite inspection on September 14, 2021. Since a violation was identified, you should review the citation and sign/date the form and send it back to me as a reply to this email. If you have any questions, feel free to reply with questions as well.

Thank,
-James

James L. Thompson, Senior Health Physicist
U.S. NRC, Region IV
Arlington, Texas