



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

August 30, 2022

Mr. Reginald Davis  
Radiation Safety Officer  
City of Kansas City, Missouri Public  
Works Department  
4721 Coal Mine Road  
Kansas City, MO 64130

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03008790/2022001(DNMS) AND  
NOTICE OF VIOLATION – CITY OF KANSAS CITY, MISSOURI PUBLIC WORKS  
DEPARTMENT

Dear Mr. Davis:

On July 28, 2022, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection at your facility in Kansas City, 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. Ryan Craffey of my staff conducted a final exit meeting by telephone with you on August 19, 2022, to discuss the inspection findings. This letter presents the results of the inspection.

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 six Severity Level IV violations of NRC requirements occurred. The violations were evaluated in accordance with the NRC Enforcement Policy, which is available on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violations concerned (1) the failure to review the content and implementation of the radiation safety program at least annually, as required by Title 10 of the *Code of Federal Regulations* (10 CFR) Section 20.1101(c); (2) the failure to comply with the US Department of Transportation (USDOT) requirement to mark packages containing hazardous material with the proper shipping name and identification number, as required by 10 CFR 71.5(a) and 49 CFR 172.301(a)(1); (3) the failure to comply with the USDOT requirement to provide hazardous materials transportation training to hazmat employees, as required by 10 CFR 71.5(a) and 49 CFR 172.702 and 172.704(c)(2); (4) the failure to test sealed sources for leakage at least annually, as required by Condition 13.A of your NRC license; (5) the failure to conduct a physical inventory every six months to account for all licensed devices in your possession, as required by Condition 15 of your license; and (6) the failure to provide copies of operating and emergency procedures to all gauge users and at each job site, as required by the commitment in Condition 19.A of your license. The NRC is citing the violations in the enclosed Notice of Violation (Notice) because the inspector identified them.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The guidance in NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be useful in preparing your response. You can find the Information Notice on the NRC website at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with the NRC's "Rules of Practice" in 10 CFR 2.390, a copy of this letter, its enclosure, and 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.

Please feel free to contact Mr. Craffey of my staff if you have any questions regarding this inspection. Mr. Craffey can be reached at 630-829-9655 or [ryan.craffey@nrc.gov](mailto:ryan.craffey@nrc.gov).

Sincerely,



Signed by Kunowski, Michael  
on 08/30/22

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

Docket No. 030-08790  
License No. 24-15241-01

Enclosure:  
Notice of Violation

cc (w/encl): State of Missouri

Letter to R. Davis from M. Kunowski dated August 30, 2022

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03008790/2022001(DNMS) AND  
NOTICE OF VIOLATION – CITY OF KANSAS CITY, MISSOURI PUBLIC WORKS  
DEPARTMENT

DISTRIBUTION w/encl:

- Jack Giessner
- Mohammed Shuaibi
- David Curtis
- Jared Heck
- Joseph Nick
- Diana Betancourt-Roldan
- Kenneth Lambert
- MIB Inspectors

**ADAMS Accession Number: ML22238A083**

OFFICE	RIII-DNMS		RIII-DNMS				
NAME	RCraffey:bw		MKunowski				
DATE	8/30/2022		8/30/2022				

**OFFICIAL RECORD COPY**

## NOTICE OF VIOLATION

City of Kansas City, Missouri Public  
Works Department  
Kansas City, MO

License No. 24-15241-01  
Docket No. 030-08790

During a U.S. Nuclear Regulatory Commission (NRC) inspection on July 28, 2022, six 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) Section 20.1101(c) requires that licensees periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, between August 14, 2017, and July 28, 2022, the City of Kansas City, Missouri Public Works Department had not periodically reviewed its radiation protection program content and implementation.

This is a Severity Level IV violation (NRC Enforcement Policy Section 6.3)

- B. Title 10 CFR 71.5(a) requires that each licensee who transports licensed material outside 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 DOT regulations in 49 CFR parts 107, 171 through 180, and 390 through 397, appropriate to the mode of transport.

1. Title 49 CFR 172.301(a)(1) states that, with exceptions not applicable here, each person who offers a hazardous material for transportation in a non-bulk packaging must mark the package with the proper shipping name and identification number for the material as shown in the Hazardous Materials Table.

Contrary to the above, on July 28, 2022, the City of Kansas City, Missouri Public Works Department transported a non-bulk Type A package containing UN 3332 hazardous material but did not mark the package with the proper shipping name and identification number.

This is a Severity Level IV violation (NRC Enforcement Policy Section 6.8)

2. Title 49 CFR 172.702 requires that each hazmat employer ensure that each hazmat employee is trained and tested, and that no hazmat employee performs any function subject to the requirements of 49 CFR Parts 171-177 unless trained, in accordance with Subpart H of 49 CFR Part 172. The terms Hazmat Employer and Hazmat Employee are defined in 49 CFR 171.8.

Title 49 CFR 172.704(c)(2) requires, in part, that a hazmat employee receive the training required by this subpart at least once every three years.

Contrary to the above, as of July 28, 2022, the City of Kansas City, Missouri Public Works Department did not provide recurrent training at least once every

Enclosure

three years to hazmat employees in its employ that satisfied the requirements in Subpart H of 49 CFR Part 172, and the licensee otherwise met the definition of a hazmat employer in 49 CFR 171.8. Specifically, none of the licensee's five hazmat employees had received hazmat training within the last three years.

This is a Severity Level IV violation (NRC Enforcement Policy Section 6.8)

- C. Condition 13.A of Amendment No. 14 to NRC License No. 24-15241-01 states that sealed sources and detector cells shall be tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or by an Agreement State.

Certificate of Registration No. NC-646-D-130-S for Troxler 3400 series portable surface moisture and density gauges specifies a leak test frequency of 12 months.

Contrary to the above, between March 9, 2020, and July 28, 2022, the City of Kansas City, Missouri Public Works Department did not test its Troxler 3400 series portable gauges containing sealed sources of cesium-137 and americium-241 for leakage and/or contamination every 12 months. Specifically, the licensee last had its two gauges tested for leakage and/or contamination on March 9, 2020, 26 months prior to the inspection.

This is a Severity Level IV violation (NRC Enforcement Policy Section 6.8)

- D. Condition 15 of Amendment No. 14 to NRC License No. 24-15241-01 states that the licensee shall conduct a physical inventory every six months, or at other intervals approved the U.S. Nuclear Regulatory Commission, to account for all sealed sources and/or devices received and possessed under the license.

Contrary to the above, between January 16, 2019, and July 28, 2022, the City of Kansas City, Missouri Public Works Department did not conduct a physical inventory to account for the Troxler 3400 series portable gauges possessed under NRC License No. 24-15241-01.

This is a Severity Level IV violation (NRC Enforcement Policy Section 6.8)

- E. Condition 19.A of Amendment No. 14 to NRC License No. 24-15241-01 states in part that the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, in its application dated September 11, 2013 (ML13255A519).

In item 10 of the application dated September 11, 2013, the licensee stated that "we will implement and maintain the operating and emergency procedures in Appendix H of NUREG-1556, Vol. 1, Rev. 1, dated November 2001, and provide copies of these procedures to all gauge users and at each job site.

Contrary to the above, on July 28, 2022, the City of Kansas City, Missouri Public Works Department did not provide copies of operating and emergency procedures to all gauge users and at each job site. Specifically, a gauge user performed licensed activities on a job site in Kansas City, Missouri but had not been provided copies of these procedures, nor were they available at the job site.

This is a Severity Level IV violation (NRC Enforcement Policy Section 6.8)

Pursuant to the provisions of 10 CFR 2.201, City of Kansas City, Missouri Public Works Department is hereby required to submit a written statement or explanation 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 of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include: (1) the reason for the violations, or, if contested, the basis for disputing the violations or their severity level, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken, and (4) the date when full compliance will be achieved. Your response may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

Your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's website 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 30th day of August 2022.