

### SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

**1. LICENSEE/LOCATION INSPECTED**

Optimum Construction Layout & Materials Testing, Inc.  
193 Gosselin Dr.  
Derby, VT 05829

**2. NRC/REGIONAL OFFICE**

Region 1  
475 Allendale Rd  
Suite 102  
King of Prussia, PA 19406

**REPORT NUMBER(S) 2022001**

**3. DOCKET NUMBER(S)**

030-39022

**4. LICENSE NUMBER(S)**

44-35402-01

**5. DATE(S) OF INSPECTION**

10/14/2022 - 11/29/2022

**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 violation(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 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)

1. 10 CFR 71.5(a), requires, in part, that each licensee who transports licensed material outside of the site of usage, as specified in the NRC license, 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 107, 171 through 180, and 390 through 397, appropriate to the mode of transport.

49 CFR 172.200 requires, in part, that a person who offers a hazardous material for transportation shall describe the hazardous material on the shipping paper in the manner required by this subpart.

Contrary to the above, from August 23, 2017, to October 14, 2022, Optimum Construction Layout & Materials Testing, Inc. did not describe the hazardous material for transport on the shipping paper as required by subpart 49 CFR 172.200. Specifically, the licensee did not prepare shipping papers for the transport of portable gauges. A shipping paper describing the gauge as UN3332, Radioactive material, Type A package, Special Form, 7, RQ was not included with the shipments.

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

2. 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, from August 23, 2017, to October 14, 2022, Optimum Construction Layout & Materials Testing, Inc. failed to periodically (at least annually) review the radiation protection program content and implementation.

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

After the inspection, the licensee developed a standard Bill of Lading that will be used with each future shipment and also conducted an annual program review. They committed to performing the program review annually going forward.

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#### 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	Amber Chambers, RSO	Amber Chambers	12.01.2022
NRC INSPECTOR	Robin Elliott		
BRANCH CHIEF	Christopher Cahill		