

## INSPECTION RECORD

Region IV

Inspection Report No. 2004-003

License No. 11-27395-01

Docket No. 030-32220

Licensee (Name and Address):

Harper-Leavitt Engineering, Inc.

P.O. Box 50691

Idaho Falls, Idaho 83405

Location (Authorized Site) Being Inspected

985 North Capital Avenue, Idaho Falls, Idaho

AND

800 West Judicial Street, Blackfoot, Idaho

Licensee Contact: Jared Bragg

Telephone No. 208-589-4963

Priority: 5

Program Code: 03121

Date of Last Inspection: 03/01/2000 Idaho Falls and 05/19/2004 Blackfoot

Date of This Inspection: 09/29/2004

Type of Inspection: ☐ Initial

☐ Announced

☒ Unannounced

☒ Routine

☐ Special

Next Inspection Date: 06/29/2009

☒ Normal ☐ Reduced

Justification for reducing the routine inspection interval: NA

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
- ☒ Violation(s), regional letter issued
- ☐ Followup on previous violations

Inspector(s) Janine F. Katanic, Ph.D.

Date 12/02/04

(Name(s))

/RA/

(Signature(s))

Approved Mark R. Shaffer

Date 12/08/04

(Name)

/RA/

(Signature)

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

### 1. AMENDMENTS AND PROGRAM CHANGES:

(License amendments issued since last inspection, or program changes noted in the license)

<u>AMENDMENT #</u>	<u>DATE</u>	<u>SUBJECT</u>
#2	07/01/2002	renewal

### 2. INSPECTION AND ENFORCEMENT HISTORY:

(Unresolved issues; previous and repeat violations; Confirmatory Action Letters; and orders)

Last inspection 03/01/2000 at Capital Avenue, Idaho Falls location: no violations identified

Last inspection 05/19/2004 at Judicial Street, Blackfoot location: one SL IV violation for 49 CFR 172.403(b) for Radioactive Yellow II label, TI, activity, etc.

### 3. INCIDENT/EVENT HISTORY:

(List any incidents, or events reported to NRC since the last inspection. Citing "None" indicates that regional event logs, event files, and the licensing file have no evidence of any incidents or events since the last inspection.)

None

## PART II - INSPECTION DOCUMENTATION

### 1. ORGANIZATION AND SCOPE OF PROGRAM:

(Management organizational structure; authorized locations of use, including field offices and temporary job sites; type, quantity, and frequency of material use; staff size; delegation of authority)

This was a medium sized engineering firm that performed some materials testing operations with portable nuclear gauges. Work with the gauges was performed mainly in Idaho. Kim Leavitt was the Principal/President of the organization. Frank Sykes had been the Radiation Safety Officer (RSO) but had recently been placed on active military duty (July 2004). Jared Bragg was filling in as RSO and the licensee had submitted an amendment request to officially name him as RSO. The main office for the company was the Idaho Falls office, however, at the time of the inspection, the RSO and most of the information about the radiation safety program was maintained in the Blackfoot office. Qal-Tek of Idaho Falls performed calibrations of the licensee's gauges.

The inspector reviewed storage areas in both Idaho Falls and Blackfoot. The inspector observed the following gauges:

Troxler 3430	serial number 29870
Troxler 3430	serial number 31706
Troxler 3411-B	serial number 19094
Troxler 3241-C	serial number 1343

2. SCOPE OF INSPECTION:

(Identify the inspection procedure(s) used and focus areas evaluated. If records were reviewed, indicate the type of record and time periods reviewed)

Inspection Procedure(s) Used: 87124

Focus Areas Evaluated: 03.01, .02, .03, .04, .05, .06, .07

Specifically reviewed records not limited to: hazardous materials training and shipping papers

3. INDEPENDENT AND CONFIRMATORY MEASUREMENTS:

(Areas surveyed, both restricted and unrestricted, and measurements made; comparison of data with licensee's results and regulations; and instrument type and calibration date)

Ludlum Model 2401-EC survey meter, NRC # 21176G, calibrated 07/02/2004

The inspector the gauge storage areas at both locations. All readings were found to be within 0.3 mrem/hr in areas that were accessible by gauge users (i.e. outside gauge storage door, next to wall, etc.). The licensee indicated that no members of the public were routinely in the vicinity of the gauge storage areas.

4. VIOLATIONS, NCVs, AND OTHER SAFETY ISSUES:

(State the requirement, how and when the licensee violated the requirement, and the licensee's proposed corrective action plan. For NCVs, indicate why the violation was not cited. Attach copies of all licensee documents needed to support violations.)

Two Severity Level IV violations were issued for the following:

1. Condition 15 of License 11-27395-01 requires, in part, that each portable nuclear gauge shall have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position and that the gauge or its container must be locked when in transport, storage, or when not under the direct surveillance of the authorized user. Contrary to the above, the outer containers of three of the licensee's portable nuclear gauges were found to be unlocked and the portable nuclear gauges were not locked to prevent unauthorized or accidental removal of the sealed source from its shielded position. Specifically, on September 29, 2004, the licensee's Troxler Model 3430 portable nuclear moisture/density gauge (serial number 29870), Troxler Model 3411-B portable nuclear moisture/density gauge (serial number

19094), and Troxler Model 3241-C portable asphalt content gauge (serial number 1343) were in the licensee's storage area and were not under the direct surveillance of an authorized user. The outer containers of the three portable nuclear gauges were not locked and the gauges themselves were not locked to prevent unauthorized or accidental removal of the sealed source from its shielded position.

2. 10 CFR 71.5(a) requires that a licensee who transports licensed material outside of 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 regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 170 through 189.

49 CFR 172.300 requires, in part, that each person who offers a hazardous material for transportation shall mark each package containing the hazardous material in the manner required. 49 CFR 172.301(a)(1) requires, in part, that 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 preceded by "UN." 49 CFR 172.324(b) requires, in part, that for each non-bulk package that contains a hazardous substance the letters "RQ" shall be marked on the package in association with the proper shipping name. 49 CFR 178.350(b) requires, in part, that each Specification 7A packaging must be marked on the outside "USA DOT 7A Type A" and "Radioactive Material."

Contrary to the above, the licensee had transported a hazardous material in NRC jurisdiction and the packages containing the hazardous material were not marked as required. Specifically, the licensee stated that two of its Troxler Model 3430 portable nuclear moisture/density gauges, Serial Numbers 29870 and 31706, had been transported in NRC jurisdiction on numerous occasions during the time period from April-September 2004. Both packages were not marked with the proper shipping name, identification number preceded by "UN," the letters "RQ," or "USA DOT 7A Type A" and "Radioactive Material" as required.

5. PERSONNEL CONTACTED:

(Identify licensee personnel contacted during the inspection, including those individuals contacted by telephone.)

Use the following identification symbols:

# Individual(s) present at entrance meeting

\* Individual(s) present at exit meeting

# \* Kim H. Leavitt, President/Principal

\* Jared Bragg, appointed Radiation Safety Officer

Dustin Passey, Nuclear Gauge Operator

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