

Enclosure 6 - Inspection Record

Region: III Inspection Report No. **03032036/2012-01(DNMS)** License No. **24-24619-02**
Docket No. **030-32036**

Licensee (Name and Address):

Midwest Testing, Inc.
8606 Page Ave.
St. Louis, MO 63114

Location (Authorized Site) Being Inspected: **8606 Page Avenue, St. Louis, MO 63114**

Licensee Contact: **Dan Barczykowski, Radiation Safety Officer**
Telephone No.: **(314) 739-2727**

Priority: **5** Program Code: **3121**

Date of Last Inspection: **February 12, 2007** Date of This Inspection: **January 31, 2012**

Type of Inspection: ☐ Initial ☐ Announced ☒ Unannounced
☒ Routine ☐ Special

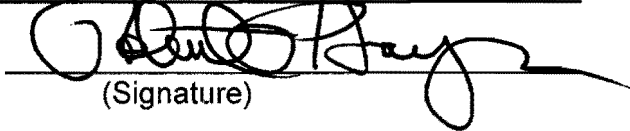
Next Inspection Date: **January 2017** ☒ Normal ☐ Reduced

Justification for reducing the routine inspection interval: **N/A**

Summary of Findings and Actions:

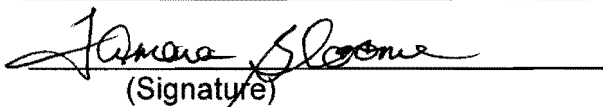
- ☐ No violations cited, clear U.S. Nuclear Regulatory Commission (NRC) Form 591 or regional letter issued
- ☐ Non-cited violations (NCVs)
- ☐ Violation(s), Form 591 issued
- ☒ **Violation(s), regional letter issued**
- ☒ Follow-up on previous violations

Inspector(s): **Robert P. Hays**


(Signature)

Date **2/16/12**

Approved: **Tamara E. Bloomer**


(Signature)

Date **2/22/12**

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

1. AMENDMENTS AND PROGRAM CHANGES:

| <u>AMENDMENT #</u> | <u>DATE</u> | <u>SUBJECT</u> |
|--------------------|--------------------|--|
| 8 | August 21, 2008 | Change of address |
| 9 | September 25, 2010 | Change RSO |
| 10 | February 28, 2011 | Change dosimeter exchange frequency to quarterly |
| 11 | March 22, 2011 | Change leak test frequency to 12 month frequency |

2. INSPECTION AND ENFORCEMENT HISTORY:

The previous inspection on February 12, 2007, identified a SL IV violation of 10 CFR 30.34(i). The violation identified a failure to use as a minimum two tangible barriers for gauges occasionally left unattended when the gauges were in transportation cases that were secured closed with a single chain and lock and the transportation lids were secured closed with a single lock.

The prior inspection conducted on April 7, 2001, was a result of a reported lost portable moisture density gauge, which resulted in a SL III and a \$3000 civil penalty.

No violations were identified during the six-month follow up inspection after escalated enforcement conducted on October 25, 2001.

3. INCIDENT/EVENT HISTORY:

None since the previous inspection conducted on February 12, 2007.

PART II - INSPECTION DOCUMENTATION

1. ORGANIZATION AND SCOPE OF PROGRAM:

Richard Laughlin, President



Dan Barczykowski, Principal, and RSO



Gauge Users

The licensee is authorized to possess and use up to 25 gauges either Campbell Pacific Nuclear Model MC series or Humbolt Scientific Series moisture density gauge (MDGs) at temporary job sites anywhere in the United States where the NRC maintains regulatory jurisdiction. At the time of the inspection, the licensee possessed 22 gauges, with only two gauges actually used recently because of the slowdown in construction projects and only in the St. Louis, MO vicinity. The licensee had four individuals as authorized gauge users (AGUs). Interviews with two AGUs determined that the MDGs are not stored at a temporary job site or at the AGU's residence overnight. At the time of the inspection, the MDGs were in storage with two tangible barriers.

2. SCOPE OF INSPECTION:

Inspection Procedure(s) Used: 87124

Focus Areas Evaluated: 03.01-03.07

The records reviewed during the inspection included: leak tests, dosimetry reports, sealed source inventory and use logs, shipping papers, DOT refresher training, survey meter calibration certificates, and training certificates for current authorized gauge users.

3. INDEPENDENT AND CONFIRMATORY MEASUREMENTS:

The inspector performed independent radiation measurements, which indicated no unusual dose rate concerns and were consistent with expected survey results for the type of devices.

4. VIOLATIONS, NCVs, AND OTHER SAFETY ISSUES:

License Condition 11. of NRC License No. 24-24619-02 states that the Radiation Safety Officer for the license is Andrew R. Taylor.

Contrary to the above, as of January 31, 2012, the individual named as the Radiation Safety Officer on the license no longer served as the Radiation Safety Officer. Specifically, the named individual, Andrew R. Taylor, had resigned from Midwest Testing, Inc., during the first week of January 2012, and the licensee failed to notify the NRC that a change in RSO had occurred.

As corrective actions, the licensee faxed a license amendment request on January 31, 2012, to change the RSO, Andrew R. Taylor, named on the license, to Dan Barczykowsk, as the individual who has replaced the named RSO and indicated that they are now aware that there has to be someone working for Midwest Testing as an RSO and listed on the license. Additionally, they indicated they are aware that NRC must be notified immediately when there is a change in RSO.

5. PERSONNEL CONTACTED:

#*Dan Barczykowski, RSO,
*Two authorized gauge users

Individual(s) present at entrance meeting
* Individual(s) present at exit meeting

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