

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED

CBC Engineers & Associates, Ltd.
125 Westpark Road
Centerville, OH 45449

REPORT NUMBER(S) 2014-001

2. NRC/REGIONAL OFFICE

Region III
U. S. Nuclear Regulatory Commission
2443 Warrenville Road, Suite 210
Lisle, IL 60532-4352

3. DOCKET NUMBER(S)

030-35192

4. LICENSE NUMBER(S)

34-26788-02

5. DATE(S) OF INSPECTION

August 19, 2014 with in-office
review until August 22, 2014

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 NRC Enforcement Policy. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11.

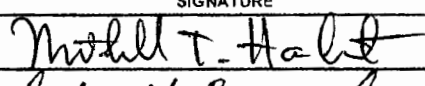
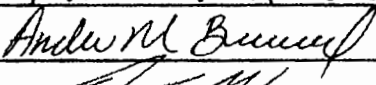
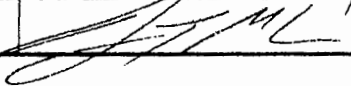
(Violations and Corrective Actions)

One Severity Level IV violation was identified by the inspector and is cited below:

Contrary to the requirements in Title 10 of the Code of Federal Regulations (CFR) Section 71.5, as of August 19, 2014, the licensee did not provide training for its hazmat employees that satisfied the requirements in Subpart H to 49 CFR Part 172, in that recurrent training had not been completed at least once every three years for all of its employees who transported hazardous materials, and the licensee otherwise meets the definition of a hazmat employer in 49 CFR 171.8. Specifically, an employee at the licensee's West Virginia facility last completed hazmat training on May 14, 2003; therefore, this individual required recurrent training on May 13, 2006. Between 2006 and 2014, the individual routinely transported a portable gauge containing sealed sources of radioactive material in West Virginia: an area where the NRC maintains jurisdiction for regulating the use of licensed material. (continued in Part 2)

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	Mitchell T. Hardert		8/25/14
NRC INSPECTOR	Andrew M. Brannik		8/22/14
BRANCH CHIEF	Aaron T. McCraw		8/22/14

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(Continued)

(Continued from Part 1)

The root cause of the violation was the licensee's lack of awareness of the requirements in 49 CFR 172. Title 49 CFR 172.704(a) specifies the elements of hazmat employee training as: (1) general awareness/familiarization training, (2) function-specific training, and (3) safety training. Title 49 CFR 172.704(c) requires, in part, that a hazmat employee receive initial training and recurrent training at least once every three years. As corrective actions, the licensee committed to have the employee complete online hazmat recurrent training by August 22, 2014. As long-term actions to prevent recurrence, the Radiation Safety Officer (RSO) committed to add a review of initial and recurrent training certificates to the company's annual radiation safety audit.

This is a Severity Level IV Violation (Section 6.8)

Docket File Information**SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION**

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6. INSPECTION PROCEDURES USED

87124

7. INSPECTION FOCUS AREAS

03.01 - 03.07

SUPPLEMENTAL INSPECTION INFORMATION

1. PROGRAM CODE(S)

03121

2. PRIORITY

5

3. LICENSEE CONTACT

Mitchell Hardert, P.E. - RSO

4. TELEPHONE NUMBER

(937) 428-6150

☒ Main Office Inspection

Next Inspection Date: 08/22/2019

☐ Field Office Inspection

☐ Temporary Job Site Inspection

PROGRAM SCOPE

This was a routine inspection of an engineering services company that used portable gauges for moisture and density testing. At the time of the inspection, the licensee possessed approximately 12 portable moisture/density gauges under licenses with the States of Ohio and Kentucky. The licensee authorized approximately 12 individuals to transport and operate the gauges in addition to the RSO. The licensee also employed one individual in West Virginia who kept a portable gauge stored at a facility adjacent to his residence in that state, for use at temporary job sites at coal fields in West Virginia. Aside from regular work at temporary job sites in West Virginia, the licensee occasionally dispatched individuals to use portable gauges in Indiana during the construction season.

PERFORMANCE OBSERVATIONS

The licensee was not working at any temporary job sites in NRC jurisdiction during the inspection. The company President and the RSO described how the portable gauge in West Virginia was secured in accordance with the two barrier rule. The inspector interviewed one portable gauge user at the licensee's facility in Centerville, Ohio. The individual demonstrated how portable gauges were signed out and how updated shipping papers and emergency procedures were kept in company vehicles. The individual also answered questions about routine maintenance, transportation, and emergency situations involving the gauge. The individual described how portable gauges stored in company trucks were secured in accordance with the two barrier rule. The licensee's portable gauges were appropriately marked and labeled in accordance with U.S. Department of Transportation (DOT) requirements.

A records review indicated that leak tests and physical inventories were performed at appropriate intervals. Personal whole body dosimetry was observed during the inspection and a records review did not identify any exposures in excess of 10 CFR Part 20 limits. The RSO verified that he could acquire a radiation survey meter for use during emergency situations by renting one from a local equipment services company. The inspector identified one Severity Level IV violation for the licensee's failure to provide recurrent DOT hazmat training as described in Parts 1 and 2. The inspector also identified one violation of minor safety significance for the licensee's failure to notify the NRC after the RSO listed on the license passed away in 2011. The violation has minor safety significance because the license listed a technically-qualified Assistant RSO who served as the RSO since that time. On August 21, 2014, the licensee submitted a license amendment request to update the license with the correct RSO name.