

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED: Simpson Construction Materials, LLC 926 South Highway Drive Fenton, MO 63026 REPORT NUMBER(S) 2015001		2. NRC/REGIONAL OFFICE Region III U. S. Nuclear Regulatory Commission 2443 Warrenville Rd, Suite 210 Lisle, IL 60532	
3. DOCKET NUMBER(S) 030-38164	4. LICENSE NUMBER(S) 24-32770-01	5. DATE(S) OF INSPECTION August 6, 2015	

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)


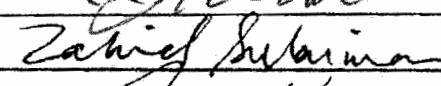
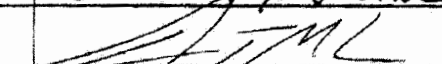
Title 10 CFR 71.5(a) requires that a licensee who transports licensed material outside of the site of usage as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 107, 171-180, and 390-397.

Title 49 CFR 172.702 states, in part, that each hazmat employer shall 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.

(Continued on 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	JL Webb		8-12-15
NRC INSPECTOR	Zahid Sulaiman		8/11/15
BRANCH CHIEF	Aaron T. McCraw		8/11/15

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(Continued)

Title 49 CFR 172.704(a) specifies the elements of hazmat employee training as: (1) general awareness/familiarization training, (2) function-specific training, (3) safety training, (4) security awareness training, and (5) in-depth security training, if applicable. 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.

Contrary to the above, as of August 6, 2015, the licensee failed to provide training to one of its hazmat employees that satisfied the requirements in Subpart H to 49 CFR 172, in that the licensee's portable gauge user/radiation safety officer (RSO) had not completed recurrent training at least once every three years, and the licensee otherwise meets the definition of hazmat employer in 49 CFR 171.8. Specifically, the portable gauge user/RSO had not completed the recurrent training since their initial training. The gauge user/RSO had received his initial training more than three years ago.

The root cause of the violation was that the licensee was not aware of the recurrent DOT hazmat training requirement. As corrective actions the licensee committed to provide the required hazmat training to the gauge user/RSO no later than September 30, 2015. The licensee also committed to ensuring that recurrent hazmat training will be provided at least once every three years.

This is a Severity Level IV Violation (Section 6.3.d.4).

Docket File Information

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED:

Simpson Construction Materials, LLC
926 South Highway Drive
Fenton, MO 63026

REPORT NUMBER(S) 2015001

2. NRC/REGIONAL OFFICE

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

3. DOCKET NUMBER(S)

030-38164

4. LICENSE NUMBER(S)

24-32770-01

5. DATE(S) OF INSPECTION

6 August 2015 with continued
in-office review thru 8/11/2015

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

Joseph C. Webb

4. TELEPHONE NUMBER

(314) 565-3420

☒ Main Office Inspection

Next Inspection Date: 08/03/2020

☐ Field Office Inspection

☐ Temporary Job Site Inspection

PROGRAM SCOPE

The licensee is a small construction company. The licensee possesses one Seaman Nuclear Corporation, Model No C-200, SN: H304 moisture density gauge, for use daily/weekly during the construction season (March-November) for soils engineering projects. The licensee does not perform any service or maintenance activities on its gauge. The services are performed by the manufacturer. The licensee employs one authorized gauge user who have completed manufacturers training. Device is stored in a storage container with two independent physical control in the licensee's facility at 699 W. North outer Road, Valley Park, Missouri.

Performance Observations

At the time of this inspection, the gauge was not in use. The inspector had the operator demonstrate the Gauge use and operations, leak test, and required locked and chained to the rear of the vehicle with two locks and chains, as required during transport. The operator demonstrated an adequate level of understanding of emergency and handling procedures. Security during transport and at the job-site was described with no problems noted. The operator possessed required shipping papers which contained all appropriate information and demonstrated that the shipping papers were accessible in the transport vehicle. The inspector reviewed the leak test, inventory and dosimetry records.

During this inspection, the inspector identified one violation with regard to recurrent DOT hazmat training. Specifically, licensee personnel had not received recurrent training at the required 3-year interval since the initial hazardous materials training received when gauge user was first qualified. The violation, root cause, and corrective actions are described in Part 1 & 2 of this form.

Sulaiman, Zahid

From: J.C. Webb <JCWebb@simpsonmaterials.com>
Sent: Wednesday, August 12, 2015 9:32 AM
To: Sulaiman, Zahid
Subject: [External_Sender] RE: NRC Form 591M Part 1 & 2, Safety Inspection Report and Compliance
Attachments: 2015 NRC inspection.pdf; Nuke Audit sheet.xlsx; SNC Hazmat Training Info.pdf; NRC change of address 8-7-15.docx

Attached is the signed form you had sent me yesterday. Also, I attached the training form that was sent to me by Seaman Nuclear, the Audit form I created and the letter to change the mailing address that I mailed Friday. If there is anything else you need, let me know.

Have a great day!

JC Webb
Quality Control Manager
jcwebb@simpsonmaterials.com
Cell 314-565-3420



From: Sulaiman, Zahid [mailto:Zahid.Sulaiman@nrc.gov]
Sent: Tuesday, August 11, 2015 3:38 PM
To: J.C. Webb
Cc: Sulaiman, Zahid
Subject: NRC Form 591M Part 1 & 2, Safety Inspection Report and Compliance

Good Afternoon JC,

Attached is the NRC Form 591M Part 1 & 2, Safety Inspection Report and Compliance Inspection form. Please have this form signed and dated by department management. Please have them print their name and title, sign and date the NRC Form 591M Part1 and send it to me by fax, or scan and send the document through e-mail. Please send the fax to 630-515-1259, or e-mail it to me at zahid.sulaiman@nrc.gov. If you have any questions please contact me at 630-829-9752.

ZAHID SULAIMAN
Health Physicist
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