



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BLVD.
KING OF PRUSSIA, PA 19406-2713**

August 22, 2018

Hassan Tajick, Vice President/RSO
Construction Testing & Engineering
9111-A Industry Drive
Manassas Park, VA 20111

**SUBJECT: CONSTRUCTION TESTING & ENGINEERING - NRC INSPECTION NO.
03038528/2018001 AND NOTICE OF VIOLATION**

Dear Mr. Tajick:

This letter refers to the inspection conducted on July 31, 2018 and August 1, 2018, at your Manassas, VA facility and the temporary job site location at Highwood Drive, Washington, D.C. with on-going in-office review through August 17, 2018. This inspection examined activities conducted under your license as they relate to public health and safety, and to confirm compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel. On August 17, 2018, a exit meeting was conducted by telephone to discuss the results of the inspection and the licensee's corrective actions completed on August 1, 2018.

Based on the results of this inspection, the NRC has determined that two Severity Level IV violations of NRC requirements occurred. These violations were evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violations are cited in the enclosed Notice of Violation (Notice) because the violations were identified by the NRC.

The NRC has concluded that information regarding: (1) the reasons for the violations; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket and include: (1) making the shipping paper the first document in the package; (2) maintaining the shipping paper in a readily visible location within reach of the driver when the driver is in the vehicle; (3) maintaining the shipping paper on the driver's seat when the driver is not in the vehicle; and (4) contacting all authorized users to ensure compliance. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

If you have any questions regarding this matter, please contact Steven R. Courtemanche of my staff at (610) 337-5075 or via electronic mail at Steven.Courtemanche@nrc.gov.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arthur L. Burritt', with a large, stylized flourish at the end.

Arthur L. Burritt, Chief
Commercial, Industrial, R&D,
And Academic Branch
Division of Nuclear Materials Safety
Region I

Docket No. 03038528
License No. 45-31468-01

Enclosure:
Notice of Violation

cc w/Enclosure: Commonwealth of Virginia

CONSTRUCTION TESTING & ENGINEERING – NRC INSPECTION NO. 03038528/2018001
AND NOTICE OF VIOLATION DATED August 22, 2018

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OFFICE	RI:DNMS	N	RI:DNMS				
NAME	SCourtemanche		ABurritt				
DATE	8/21/2018		8/22/18				

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NOTICE OF VIOLATION

Construction Testing & Engineering
Manassas Park, Virginia

Docket No. 03038528
License No. 45-31468-01

During an NRC inspection conducted on July 31, 2018 and August 1, 2018, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

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

- A. 49 CFR 177.817(e)(1) requires, in part, that a driver of a motor vehicle containing hazardous material ensure that the shipping paper required by this section is readily available to, and recognizable by, authorities in the event of an accident or inspection. Specifically, the driver shall clearly distinguish the shipping paper, if it is carried with other shipping papers or other papers of any kind, by either distinctively tabbing it or by having it appear first.

Contrary to the above, as of August 1, 2018, the licensee transported licensed material on public highways and drivers of motor vehicles containing cesium-137 and americium-241, hazardous materials, did not ensure that the shipping paper required by this section was readily available to, and recognizable by, authorities in the event of an accident or an inspection. Specifically, the licensee put together a packet for each gauge, the shipping paper was one of many documents in the packet, and the shipping paper was neither distinctively tabbed nor did it appear first.

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

- B. 49 CFR 177.817(e)(2) requires, in part, that a driver of a motor vehicle containing hazardous material ensure that the shipping paper required by this section is readily available to, and recognizable by, authorities in the event of an accident or inspection. Specifically, the driver shall store the shipping paper as follows:

- (i) When the driver is at the vehicle's controls, the shipping paper shall be either readily visible to a person entering the driver's compartment or in a holder which is mounted to the inside of the driver's side of the vehicle.
- (ii) When the driver is not at the vehicle's controls, the shipping paper shall be either in a holder which is mounted to the inside of the door on the driver's side of the vehicle or on the driver's seat in the vehicle.

Contrary to the above, on August 1, 2018, the licensee transported licensed material on public highways and the driver of the motor vehicle containing cesium-137 and americium-241, hazardous materials, did not ensure that the shipping paper required by this section is readily available to, and recognizable by, authorities in the event of an accident or inspection. Specifically, the driver stored the shipping in the central storage area by the driver's seat, a method not permitted by the regulations.

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

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence and the date when full compliance will be achieved is already adequately addressed on the docket. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated This 22nd day of AUGUST 2018