



**A & M Engineering and
Environmental Services, Inc.**
Consulting - Design - Construction - Remediation

Submitted Via Certified Return Receipt Mail
Receipt No. 7019 2280 0001 2319 8368

December 2, 2022

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

RE: Response to An Apparent Violation in NRC Inspection Report 150-00035/2022-001; EA-22-092

Dear Sir/Madam:

On November 17, 2022, A & M Engineering and Environmental Services, Inc. (A & M) received letter EA-22-092 and U.S. Nuclear Regulatory Commission (NRC) Inspection Report 150-00035/2022-001 detailing an apparent violation found during an in-office review of our request to perform licensed activities in a Non-Agreement State. A & M views the finding of an apparent violation a very serious matter, and we are fully committed to continuing our good faith dialogue in working with NRC to address the concerns raised in the letter. Our response includes relevant background information, our understanding of the apparent violation, and the corrective actions we have taken to comply with NRC requirements.

Background

A & M utilizes Troxler Nuclear Density Gauges (Gauges) in the course of our work. The Gauges contain an Americium 241 and Cesium 137 source. A & M is licensed by Oklahoma Department of Environmental Quality (ODEQ) under License No. OK-27445-01. In addition, A & M is registered in the State of Missouri for the use of X-Ray Fluorescence (XRF). Until recently, we were unclear that the programs for XRF and the Gauges are separate in Missouri.

My role as the Corporate Health and Safety Officer (CHSO) and Radiation Safety Officer (RSO) began in the spring of 2020. Although I have a safety background, my radiation safety experience was limited. Due to COVID shutdowns, I took RSO classes online from Troxler and I became acquainted with our ODEQ license requirements, but we had not used the Gauges outside of Oklahoma and I was not entirely familiar with the reciprocity procedures.

As a company, A & M was growing in the last few quarters of 2021 and early 2022, during which time we hired several new construction/remediation Project Managers (PMs) that were tasked with managing a project located at Fort Leonard Wood (FLW), a U.S. Army installation situated near Waynesville, Missouri. In addition, A & M also added a Health and Safety Manager (HSM) to assist me in managing the safety program for construction services. Although this HSM had the construction safety background, he also had limited knowledge pertaining to radiation safety.

Reason for Apparent Violation

Prior to initiating fieldwork at FLW, all of our submittals, job hazard analyses (JHAs), permits, etc. were provided to our general contractor for transmittal to the FLW and U.S. Army Corps of Engineers (USACE) officials for approval. The PMs for this project were under the impression they had submitted everything required. Unfortunately the FLW RSO was fairly new to that type of role and was not aware of the reciprocity license until he completed a training course in the Spring of 2022. Following the training course, he contacted A & M about NRC Form 241 and additional information they needed to issue a Army Base Permit. In gathering the information for the Army Base Permit, A & M identified the NRC Form 241 had not been completed, thus being non-compliant with our license and actions were needed. A & M immediately began compiling the requested information to complete the NRC Form 241 (dated May 18, 2022) and submit with payment for reciprocity license. The NRC Form 241 and payment was submitted using the U.S. Postal Service.

Corrective Actions

During the process of submitting information to the FLW RSO for the Army Base Permit, we recognized that we were non-compliant with regulations and recognized that corrective actions needed to be taken immediately, both to resolve ongoing issues and ensure compliance in the future. These actions included the following:"

Actions Completed/Results Achieved:

- Conducted a meeting with the PMs, supervisors, and management to identify the problem, inform the participants of the license requirements, and formulate ongoing procedures.
- Removed the Gauge from Missouri returning it to Oklahoma on July 29, 2022 upon the expiration of the 180-day Reciprocity License.
- Located and retained a licensed third-party contractor to perform testing using the Gauges once the 180-days Reciprocity License expired.
- Engaged with an A & M sister company (Mid-Way Environmental) to obtain an ODEQ license to handle radiation sourced Gauges that A & M can utilize as a third-party contractor. *[Note: Application, as of November 28, 2022, was in final peer review before issuance. Currently waiting receipt of license.]*
- Evaluated the Troxler EGauge which does not use a radiation source thus does not require a radiation material license.

- Modified A & M's internal annual safety training information to include license requirements, procedures, and timelines to obtain permits.
- Expanded the annual radiation safety training (distributed in January) to include the PMs, supervisors, and authorized and trained end-users.

Actions Planned:

- Scheduled our Construction HSM to complete the Troxler RSO course by end of 2022.

A & M is committed to ensuring the company operates in accordance with regulatory requirements and operating in a safe manner for the employees as well as the community. Should additional information be needed, please contact me at jjenkins@aandmengineering.com.

Sincerely;

A & M Engineering and Environmental Services, Inc.



Jeffrey L. Jenkins, CIH, CSP
Corporate Safety and Health Officer

cc: Mary Muessle, Director
Radiological Safety and Security, Region IV
1600 East Lamar Boulevard
Arlington, Texas 76011

Via Email: R4Enforcement@nrc.gov

Tolga Ertugrul, President (A & M)