

NRC FORM 591M PART 1 (10-2011)
10 CFR 2.201

U.S. NUCLEAR REGULATORY COMMISSION

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED: Pro Contracting, Inc. 315 Riverside Drive Clarksburg, WV REPORT NUMBER(S) 2012-001	2. NRC/REGIONAL OFFICE USNRC – Region I 2100 Renaissance Blvd, Suite 100 King of Prussia, PA 19406-2713	
3. DOCKET NUMBER(S) 030-32171	4. LICENSE NUMBER(S) 47-25145-01	5. DATE(S) OF INSPECTION June 7, 2012 – July 26, 2012

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) and corrective action(s):

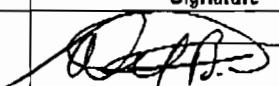
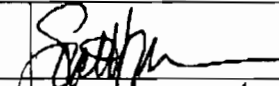
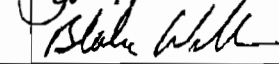
4. During this inspection, certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited in accordance with the NRC Enforcement Policy. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11.

I. 10 CFR 20.1101 requires, in part, that each licensee periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, between October 1, 2008, and June 7, 2012, Pro Contracting, Inc. (licensee), had not conducted a review of the radiation protection program content and implementation annually. Specifically, as of June 7, 2012, the licensee had not conducted a review of the radiation protection program since October 1, 2008, when responsibility for the licensed program was transferred to the licensee, a period greater than annually. This is a Severity Level IV violation (Section 6.3).

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	David B. Lang		7-26-12
NRC INSPECTOR	Scott Wilson		7/26/12
BRANCH CHIEF	Blake Welling		7/26/12

*NRC FORM 591M PART 1 (10-2011) (RI Rev. 02/09/2012) G:\DNMS\WordDocs\Current\Insp Record\R47-25145-01.2012-001.591M-Part1.doc

SUNSI Review Completed By: / RA / SWilson Public Non-Sensitive

NRC FORM 591M PART 2 (10-2011) 10 CFR 2.201		U.S. NUCLEAR REGULATORY COMMISSION	
SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION			
1. LICENSEE/LOCATION INSPECTED: Pro Contracting, Inc. 315 Riverside Drive Clarksburg, WV REPORT NUMBER(S) 2012-001		2. NRC/REGIONAL OFFICE U.S. Nuclear Regulatory Commission Region I, 2100 Renaissance Blvd, Suite 100 King of Prussia, Pennsylvania 19406-2713	
3. DOCKET NUMBER(S) 030-32171	4. LICENSE NUMBER(S) 47-25145-01	5. DATE(S) OF INSPECTION June 7, 2012 – July 26, 2012	
<p>(Continued)</p> <p>The licensee agreed to implement corrective and preventative actions within 30 days. The corrective actions included the performance of a review of the radiation protection program content and implementation. The preventative action included employee refresher training regarding NRC license requirements, and the implementation of a system of reminders to notify the RSO when actions are due.</p> <p>ii. NRC License 47-25145-01, Amendment No. 4, Condition 18, requires, in part, that the licensee is authorized to transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."</p> <p>10 CFR Part 71 requires, in part, that each licensee who transports licensed material outside the site of usage, as specified in the NRC license, shall comply with the applicable requirements of the Department of Transportation (DOT) regulations in 49 CFR parts 171 through 180, appropriate to the mode of transport.</p> <p>49 CFR 172.704 requires, in part, that a hazmat employee shall receive training required by the subpart, at least once every three years.</p> <p>Contrary to the above, from October 2008, to May 2012, the licensee did not ensure that HAZMAT employees (authorized gauge users), who performed functions subject to the requirements of 49 CFR Parts 171 – 177, were trained as required. Specifically, the licensee had not provided HAZMAT employee training from October 1, 2008, when responsibility for the licensed program was transferred to the licensee, to May 2012, a period greater than three years. This is a Severity Level IV violation (Section 6.3).</p> <p>The licensee stated that the requirement was not fully understood by the RSO. The licensee agreed to implement corrective and preventative actions within 30 days. The licensee's corrective action is that it will ensure HAZMAT refresher training is current (within 3 years) for HAZMAT employees that transport licensed material. The licensee's preventative action includes employee refresher training regarding NRC license requirements, and the implementation of a system of reminders to notify the RSO when actions are due.</p> <p>iii. NRC License 47-25145-01, Amendment No. 4, Condition 15, requires, in part, that the licensee conduct a physical inventory every six months, or at intervals approved by the U.S. Nuclear Regulatory Commission, to account for all sources and/or devices received and possessed under the license. The Condition also requires that records of inventories be maintained for 5 years from the date of each inventory and include the radionuclide, quantities, manufacturer's name and model number, and the date of the inventory.</p> <p>Contrary to the above, the licensee did not conduct a physical inventory every six months, to account for all sources and or devices possessed under the license. Specifically, the licensee possessed two Troxler Electronic Laboratories 3400 series portable gauging devices and, as of June 7, 2012, had not conducted a physical inventory since October 1, 2008, when responsibility for the licensed program was transferred to the licensee, a period greater than six months. This is a Severity Level IV violation (Section 6.3)</p> <p>The licensee agreed to implement corrective and preventative actions within 30 days, including 1) the conduct of a physical inventory of all devices possessed within 30 days, and every 6 months thereafter; 2) conduct of employee refresher training regarding NRC license requirements and; 3) the implementation of a system of reminders to notify the RSO when actions are due.</p>			