

**NRC FORM 591M PART 1**  
 (07-2012)  
 10 CFR 2.201

**SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION**

|  |                                     |  |  |
|--|-------------------------------------|--|--|
| 1. LICENSEE/LOCATION INSPECTED:<br>M & W Soils Engineering, Inc.<br>38 A Street<br>Wilder, Vermont 05001 |                                     | 2. NRC/REGIONAL OFFICE<br><br>U.S. Nuclear Regulatory Commission<br>Region I, 2100 Renaissance Blvd, Suite 100<br>King of Prussia, Pennsylvania 19406-2713 |  |
| REPORT NUMBER(S) 03038435/2016-001   |                                     |  |  |
| 3. DOCKET NUMBER(S)<br>03038435  | 4. LICENSE NUMBER(S)<br>28-31438-01 | 5. DATE(S) OF INSPECTION<br>June 21, 2016 and Sept. 20, 2016   |  |

**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. (Violations and Corrective Actions)

10 CFR 20.1101(c) requires that the licensee periodically, at least annually, review the radiation protection program content and implementation. Contrary to the above, as of June 21, 2016, the licensee did not periodically, at least annually, review the radiation protection program. Specifically, the licensee did not review the radiation protection program since the issuance of the license in 2011. This is a Severity Level IV violation (Enforcement Policy Section 6.3). The owner stated that would the licensee will use the audit found in NUREG-1556, Vol. 1, Rev. 2 and would set up a reminder system for future audits.

**Statement of Corrective Actions**

(continued on NRC Form 591M Part 2)

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 | Randall Rhoades, Owner |           | 9/21/2016 |
| NRC INSPECTOR             | Steven R. Courtemanche |           | 9/20/2016 |
| BRANCH CHIEF              | Blake D. Welling       |           | 9/20/2016 |

SUNSI Review Completed By: IRA Steven R. Courtemanche  Public  Non-Sensitive

**SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION**

|   |   |   |  |
|---|---|---|--|
| 1. LICENSEE/LOCATION INSPECTED;<br><br>M & W Soils Engineering, Inc.<br>38 A Street<br>Wilder, Vermont 05001<br><br>REPORT NUMBER(S)                      03038435/2016-001 |   | 2. NRC/REGIONAL OFFICE<br><br><b>U.S. Nuclear Regulatory Commission<br/>Region I, 2100 Renaissance Blvd, Suite 100<br/>King of Prussia, Pennsylvania 19406-2713</b> |  |
| 3. DOCKET NUMBER(S)<br><br>03038435   | 4. LICENSE NUMBER(S)<br><br>28-31436-01 | 5. DATE(S) OF INSPECTION<br><br>June 21, 2016 & Sept. 20, 2016  |  |

(Continued)

10 CFR 71.5(a) requires 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, or who delivers licensed material to a carrier for transport, shall 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.

49 CFR 171.8 defines a HAZMAT employee, in part, as a person who is employed by a HAZMAT employer and who in the course of such employment directly affects hazardous materials transportation safety, including individuals who load, unload, or handle hazardous materials; prepare hazardous materials for transportation; are responsible for safety of transporting hazardous materials; and operate a vehicle used to transport hazardous materials. This regulation defines a HAZMAT employer, in part, as a person who employs or uses at least HAZMAT employee on a full-time, part-time, or temporary basis; and who transports hazardous material in commerce.

49 CFR 172.704(c) requires, in part, that a HAZMAT employee receive initial training within 90 days after employment or a change in job function, and recurrent training at least once every three years.

Contrary to the above, as of June 21, 2016, a HAZMAT employee did not receive recurrent training at least once every years. Specifically, a HAZMAT employee last received training on November 18, 2009, and the employee performed duties requiring training after November 18, 2012.

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

The owner stated that the licensee is maintaining a database of HAZMAT employees to keep track when training was provided and when training is due.