



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION I  
2100 RENAISSANCE BOULEVARD, SUITE 100  
KING OF PRUSSIA, PA 19406-2713

January 13, 2017

Docket No. 03012967

License No. 47-17562-01

C. K. Meadows, II  
President  
Meadows Stone & Paving, Inc.  
P.O. Box 10  
Gassaway, WV 26624-0010

**SUBJECT: NRC INSPECTION REPORT NO. 03012967/2016001, MEADOWS STONE & PAVING, INC., GASSAWAY, WEST VIRGINIA SITE AND NOTICE OF VIOLATION**

Dear Mr. Meadows:

On December 13, 2016, Dennis Lawyer of this office conducted a safety inspection at your facility. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selective examination of representative records. Additional information provided in the telephone conversation on December 21, 2016, between Matt Dittman of your organization and this office was also examined as part of the inspection. The findings of the inspection were discussed with you and Mr. Dittman at the conclusion of the inspection.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that three Severity Level IV violations of NRC requirements occurred. The violations involved: 1) the failure to perform an annual radiation program and implementation review; 2) the failure to train personnel who transported hazardous material; and, 3) the failure to carry emergency information with hazardous material.

The violations are cited in the enclosed Notice of Violation (Notice), because the violations were identified by the NRC. Also, items A and B as listed in the Notice are repeat violations that were identified during previous inspections of your licensed program. These were documented in the Notice of Violations dated March 12, 2012. Although we had verified that you took corrective action to address the previous violations, the current violations are of concern, because your preventative actions were not effective in preventing recurrence and indicate a lack of attention to detail. Because of the potential for radiation exposure to employees and the public which could result from failure to comply with NRC requirements, you must conduct your program according to NRC regulations, the conditions of your NRC license, and the representations made in your application.

During our inspection exit meeting on December 21, 2016, you indicated that you will take effective corrective and preventative actions to address each violation and that Meadows Stone & Paving, Inc. is committed to radiation safety and to compliance with NRC regulations and license conditions.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response 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 website 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.

Current NRC regulations and guidance are included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

Please contact Dennis Lawyer at 610-337-5366 if you have any questions regarding this matter.

Sincerely,

/RA/

Blake D. Welling, Chief  
Commercial, Industrial, R&D  
and Academic Branch  
Division of Nuclear Materials Safety

Enclosure:  
Notice of Violation

cc w/Encl: State of West Virginia

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 Blake D. Welling, Chief  
 Commercial, Industrial, R&D  
 and Academic Branch  
 Division of Nuclear Materials Safety

Enclosure:  
 Notice of Violation  
 cc w/Encl: State of West Virginia

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OFFICE	DNMS/RI	N	DNMS/RI	N				
NAME	DLawyer/dl		BWelling/bdw					
DATE	12/28/16		01/13/17					

## NOTICE OF VIOLATION

Meadows Stone & Paving, Inc.  
Gassaway, WV

Docket No. 03012967  
License No. 47-17562-01

During an NRC inspection conducted on December 13-21, 2016, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

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

Contrary to the above, as of December 13, 2016, the licensee had not reviewed the radiation protection program content and implementation annually. Specifically, the licensee had not reviewed the radiation protection program content and implementation since February 7, 2012, a period exceeding annually.

This is a Severity Level IV violation (Enforcement Policy Section 6.7).

- B. 10 CFR 71.5(a) requires, in part, that a 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, comply with the applicable requirements of the regulation appropriate to the mode of transport of the United States Department of Transportation (DOT) in 49 CFR Parts 170 through 189.

49 CFR 172.704 requires, in part, that a HAZMAT employee shall receive the training required by this subpart at least every three years.

Contrary to the above, on October 26, 2016, the licensee had not ensured that an authorized user (HAZMAT employee), who performed functions subject to the requirements of 49 CFR Parts 171-177 was trained as required. Specifically, the licensee had not conducted the required training for one authorized user who transported a device and was last trained on November 12, 2012, a period exceeding three years.

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

- C. 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.

49 CFR 172.602 requires, in part, that as a minimum, the emergency response information required by Subpart G of 49 CFR Part 172 must contain: (1) the basic description and technical name of the hazardous material, (2) immediate hazards to health, (3) risks of fire or explosion, (4) immediate precautions to be taken in the event of an accident or incident, (5) immediate methods for handling fires, (6) initial methods for handling spills or leaks in the absence of fire, and (7) preliminary first aid measures. Pursuant to 49 CFR 172.101, radioactive material is classified as a hazardous material.

Meadows Stone & Paving, Inc.

Contrary to the above, as of December 13, 2016, the licensee had been periodically transporting portable gauges containing Cs-137 and Am-241 sources outside the confines of its site, on public highways, and the emergency response information associated with those shipments did not contain items (2) through (7) of the emergency response information as required by 49 CFR 172.602.

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

Pursuant to the provisions of 10 CFR 2.201, Meadows Stone & Paving, Inc. is hereby required to submit a written statement or explanation 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). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

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 13<sup>th</sup> day of January 2017.