

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED: Mountaineer Contractors, Inc. 15237 South Preston Highway Kingwood, WV 26537 REPORT NUMBER(S) 2018-001	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) 03015246	4. LICENSE NUMBER(S) 47-17517-02	5. DATE(S) OF INSPECTION March 6, 8, and 19, 2018

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)

A. 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. (Continued on Part 2)

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	JAMES D. ROSE	<i>James D. Rose</i>	3-22-18
NRC INSPECTOR	Dennis Lawyer	<i>Dennis Lawyer</i>	3/19/18
BRANCH CHIEF	Arthur Burritt	<i>Arthur Burritt</i>	3/29/18

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED; Mountaineer Contractors, Inc. 15237 South Preston Highway Kingwood, West Virginia 26537 REPORT NUMBER(S) 2018-001		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) 030-15246	4. LICENSE NUMBER(S) 47-17517-02	5. DATE(S) OF INSPECTION March 6, 8, and 19, 2018	

(Continued)

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.

Contrary to the above, as of March 6, 2018, the licensee has been transporting licensed (hazardous) material on public highways and had not complied, in part, 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. Specifically, the shipments did not contain the emergency response information as required in items (2) through (7) by 49 CFR 172.602.

The licensee took immediate corrective action. The RSO advised he would implement carrying the required emergency response information as stated in Subpart G of 49 CFR Part 172 starting March 6, 2018, for all hazardous waste shipments.

B. 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 172.704(c)(2) requires, in part, that a hazmat employee must receive the training requires by this subpart at least once every three years.

Contrary to the above, between January 9, 2018, and March 6, 2018, the licensee has been transporting licensed (hazardous) material on public highways and had not complied, in part, 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. Specifically, two hazmat employees had not received the training required in 49 CFR 172.704 within three years and have been transporting licensed (hazardous) material on public highways.

The licensee had the two employees that had not received the training as required in 49 CFR 172.704 take the training on March 7, 2018.