

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED

Wilson Blacktop Corp.
501 N 1st Street
Martins Ferry, OH 43935

2. NRC/REGIONAL OFFICE

Region 3
2443 Warrenville Road
Suite 210
Lisle, IL 60532-4352

REPORT NUMBER(s) 2023001

3. DOCKET NUMBER(S)

030-39309

4. LICENSE NUMBER(S)

34-35673-01

5. DATE(S) OF INSPECTION

07/26/2023

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):

- 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 20.11.01(c) requires that the licensee shall periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, from July 8, 2022 until July 26, 2023 a period exceeding a greater than an annual period, the licensee failed to complete annual reviews of their radiation safety program at the specified interval. Specifically, the licensee's records indicated that as of the inspection conducted on July 26, 2023, no annual audits were performed.

The licensee's corrective action includes plans to initiate a review of their radiation safety program using an audit form comparable to the guidance in Appendix E of NUREG-1556 Volume 1, Revision 2.

This is a Severity Level IV Violation (NRC Enforcement Policy Section 6.3.d.3).

B.

NRC License Condition No. 13.A of NRC License No. 34-35673-01, dated July 8, 2022, states that sealed sources shall be tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or by an Agreement State.

Contrary to the above, from March 18, 2023 until July 21, 2023, leak tests exceeded the frequency specified in the device certificates of registration. Specifically, the certificates of registration for the devices possessed by the licensee specify a one (1) year leak test frequency and the nuclear gauges were leak tested on March 17, 2022 and July 21, 2023 resulting in a period of approximately 4 months outside of the required frequency; and the gauges were used in the field.

The licensee's corrective action include checking records of the gauge routinely.

This is a Severity Level IV Violation (NRC Enforcement Policy Section 6.7.d.4).

C.

10 CFR 20.1501(c) requires that the licensee shall ensure that the instruments and equipment used for quantitative radiation measurements are calibrated periodically for the radiation measured.

Contrary to the above, as of July 26, 2023 the instruments and equipment used for quantitative radiation measurements were not calibrated

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periodically for the radiation measured. Specifically the calibration certificates indicated that the instruments used for quantitative radiation measurements were last calibrated on August 24, 2020 and as of the inspection conducted on July 26, 2023, no calibrations were performed.

The licensee's corrective actions include contacting a service provider to provide calibration and creating plans to have one available in the event in an emergency.

This is a Severity Level IV Violation (NRC Enforcement Policy Section 6.7.d.4).

D.

10 CFR 71.5(a) requires, in part, 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 172.704(c) requires, in part, that a hazmat employee receive initial training, and recurrent training at least once every three years.

Contrary to the above, between January 21, 2023 and July 26, 2023, the licensee transported licensed material on public highways and did not provide recurrent training at least once every three years for one of its hazmat employees. Specifically, following expiration of hazmat training in January 21, 2023 one licensee employee transported licensed materials on public highways without receiving additional recurrent hazmat training.

As corrective actions, the licensee member completed DOT refresher training on July 26, 2023 and to review status in annual audits.

This is a Severity Level IV violation (NRC Enforcement Policy Section 6.3.d.4).

E.

10 CFR 71.5(a) requires, in part, 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 172.200(a) requires, except as otherwise provided in this subpart, each person who offers a hazardous material for transportation shall describe the hazardous material on the shipping paper in the manner required by this subpart.

Contrary to the above between May 17, 2023 and July 26, 2023 the licensee did not describe the hazardous material on the shipping paper in the manner required by this subpart. Specifically between May 17, 2023 and July 26, 2023 the licensee transported hazardous material on public highways and did not possess shipping paper work describing the hazardous material.

As corrective actions, the license created shipping paperwork in the manner required by the subpart on July 26, 2023.

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

F.

10 CFR 71.5(a) requires, in part, 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 172.600(c)(1) requires, emergency response information conforming to this subpart is immediately available for use at all times the hazardous material is present

Contrary to the above between May 17, 2023 and July 26, 2023 the licensee did possess emergency response information conforming to this subpart and have it immediately available for use at all times the hazardous material is present. Specifically between May 17, 2023 and July 26, 2023 the licensee transported hazardous material on public highways and did not possess emergency response information conforming to this subpart.

As corrective actions, the license created emergency response information conforming to this subpart on July 26, 2023.

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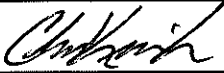
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This is a Severity Level IV violation (NRC Enforcement Policy Section 6.8.d).

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	Chad Kociban		08/05/23
NRC INSPECTOR	Michael Wutkowski	Michael J. Wutkowski	Digitally signed by Michael J. Wutkowski Date: 2023.08.02 11:29:52 -04'00'
BRANCH CHIEF	Christopher Cahill	Christopher G. Cahill	Digitally signed by Christopher G. Cahill Date: 2023.08.02 09:15:53 -04'00'