



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET SW SUITE 23T85
ATLANTA, GEORGIA 30303-8931

July 5, 2000

Shirley Contracting Corporation
ATTN: Mike Post
President
8435 Backlick Road
Lorton, VA 22079-1498

SUBJECT: NRC INSPECTION REPORT NO. 45-23089-03/00-01

Dear Mr. Post:

During an inspection conducted on June 26, 2000, I informed you that an apparent repeat violation had occurred regarding the failure to amend your NRC license to change the Radiation Safety Officer (RSO) from Ms. Laura Jargo to Mr. Stephen Wiltshire. After discussions with NRC regional management on the finding and related matters, the finding was considered to be of minor significance based on the fact that Mr. Wiltshire had received RSO training from the portable gauge manufacturer and the portable gauge had not been used and had been in storage since January 1996. Furthermore, you stated that within the next day following the inspection you would amend your license to change the RSO from Ms. Jargo to Mr. Wiltshire. The matters related to the changes in the inspection findings were discussed between Mr. Wiltshire and myself in a telephone conversation held on June 30, 2000.

In accordance with the NRC Enforcement Policy regarding findings of minor significance, an NRC Form 591, titled "SAFETY AND COMPLIANCE INSPECTION," is issued for your NRC license. The enclosed form indicates that no violations or deviations were identified during the onsite inspection. No action on your part is required with the receipt of this letter.

If you have any questions regarding this letter please contact me by phone at (404) 562-4727. Thank you for your time and assistance with this matter.

Sincerely,

/RA/

Wade T. Loo, Senior Health Physicist
Materials Licensing/Inspection Branch 1
Division of Nuclear Materials Safety

Docket No. 030-33032
License No. 45-23089-03

Enclosure: NRC Form 591
Shirley Contracting
Corporation

Enclosure: NRC Form 591

cc w/encl: Commonwealth of Virginia

*See next page for prior concurrence

OFFICE	RII:DNMS	RII:DNMS			
SIGNATURE	/RA/				
NAME	*WLo	TDecker			
DATE	7/5/2000	7/ /2000	7/ /2000	7/ /2000	7/ /2000
E-MAIL COPY?	YES NO				

OFFICIAL RECORD COPY

DOCUMENT NAME: C:\ShirleyConCorp Cvr Ltr file~.wpd

SAFETY AND COMPLIANCE INSPECTION

1. LICENSEE

**Shirley Contracting Corporation
8435 Backlick Road
Lorton, Virginia 22079-1498**

2. REGIONAL OFFICE

**REGION II
US NUCLEAR REGULATORY COMMISSION
ATLANTA FEDERAL CENTER
61 FORSYTH ST SW STE 23T85
ATLANTA, GA 30303-3415**

REPORT NUMBER(S) **00-01**

3. DOCKET NUMBER(S)

030-33032

4. LICENSE NUMBER(S)

45-23089-03

5. DATE(S) OF INSPECTION

June 26, 2000

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. 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, NUREG-1600, to exercise discretion, were satisfied.

_____ non-cited violation(s) were discussed involving the following requirement(s):

- 3. During this inspection certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited. This form is a NOTICE OF VIOLATION, which is required to be posted in accordance with 10 CFR 19.11.

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			
NRC INSPECTOR	Wade T. Loo	/RA/	7/5/00

SAFETY AND COMPLIANCE INSPECTION

ATTACHMENT

1. LICENSEE

Shirley Contracting Corporation

2. REGIONAL OFFICE

USNRC-Region II, Atlanta, Georgia 30303

3. DOCKET NUMBER(S)

030-33032

4. LICENSE NUMBER(S)

45-23089-03

5. DATE(S) OF INSPECTION



(Continued)

**APPENDIX A
FIXED AND PORTABLE GAUGE INSPECTION RECORD (IP 87114)**

REGION II

Insp. Report #	00-01	License #	45-23089-01	Docket #	030-33032
Licensee Name	Shirley Contracting Corporation				
Street Address	8435 Backlick Road				
City, State, Zip	Lorton, Virginia 22079-1498				
Location (Authorized Site) Being Inspected	8435 Backlick Road Lorton, Virginia				
Licensee Contact Name	Stephen Wiltshire, Corporate Director of Safety			Phone #	703-550-8100
Priority	5	Program Code	3121	Description	Portable Gauge
Date of Last Inspection:	9/14/94		Date of This Inspection	6/26/00	
Type of Insp.	Announced		Routine	X	Initial
	Unannounced	X	Special		
Next Insp. Date	6/05	Normal	X	Reduced	Extended
Justification for change in normal inspection frequency:	N/A				
Summary of Findings and Actions					
No violations, Clear 591 or letter issued	X	Non-cited violations			
Violation(s), 591 issued		Violation(s), letter issued			

Follow up on previous violations:	<p>During the last onsite inspection, the inspector identified 3 violations. The licensee had taken corrective actions to prevent recurrence for two violations involving inventory and leak testing. The 3rd violation involved the failure to amend the license to change RSO. During this inspection the inspector identified the same finding; however, because the individual who oversaw the program had been adequately trained by the portable gauge manufacturer, the previous RSO had left only 7 months ago, and the portable gauge had been in storage since 1/96, the significance of the finding was identified as a minor finding in accordance with the NRC Enforcement Policy. Furthermore, licensee representatives stated that an amendment request would be sent in within the next day to correct the finding. As a result, the finding was not cited during this onsite inspection.</p>
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Inspector - Printed Name	Wade T. Loo		
- Signature	/RA/	Date	7/5/00
Approved - Printed Name	Thomas R. Decker		
- Signature	/RA/	Date	7/5/00

PART I-LICENSE, INSPECTION, INCIDENT/EVENT, AND ENFORCEMENT HISTORY		
1.	AMENDMENTS AND PROGRAM CHANGES	
License amendments issued since last inspection, or program changes noted in the license.		
AMENDMENT #	DATE	SUBJECT
02	11/27/00	Change in RSO (L. Jargo)
01	11/16/94	Change in RSO (R. Ravazzolo)
2.	INSPECTION AND ENFORCEMENT HISTORY	
Unresolved issues; previous and repeat violations; Confirmatory Action Letters; and orders.		

9/14/94 (Initial Inspection) - 591 Violations: 1) Failure to conduct leak tests;
2) Failure to conduct inventories; and
3) Failure to amend license to change

RSO

3.

INCIDENT/EVENT HISTORY

List any incidents or events reported to NRC since the last inspection. Citing "None" indicates that regional event logs, event files, and the licensing file have no evidence of any incidents or events since the last inspection.

None identified since the date of the last onsite inspection. Also, a search of NMED did not identify any events associated with this facility.

PART II - INSPECTION DOCUMENTATION

NOTE: References that correspond to each inspection documentation topic are in Inspection Procedure 87114, Appendix B, "Fixed and Portable Gauge Inspection References."

The inspection documentation part is to be used by the inspector to assist with the performance of the inspection. Note that not all areas indicated in this part are required to be addressed during each inspection. However, for those areas not covered during the inspection, a notation ("Not Reviewed" or "Not Applicable") should be made in each section, where applicable.

All areas covered during the inspection should be documented in sufficient detail to describe what activities and procedures were observed and/or demonstrated. In addition, the types of records that were reviewed and the time periods covered by those records should be noted. If the licensee demonstrated any practices at your request, describe those demonstrations. The observations and demonstrations you describe in this report, along with measurements and some records review, should substantiate your inspection findings. Attach copies of all licensee documents and records needed to support violations.

1.

ORGANIZATION AND SCOPE OF PROGRAM

Management organizational structure; authorized locations of use, including field offices and temporary job sites; type, quantity, and frequency of byproduct material use; staff size; delegation of authority.

Through discussions with the licensee representative, the inspector found the organization as follows:

President (Mike Post)
Corporate Director of Safety (CDS) (Stephen Wiltshire)

Through discussions with the licensee representative, the inspector was informed that the licensee possessed one portable gauge. From a review of selected records since the date of the last onsite inspection and further discussions, the inspector determined that the licensee had not used the gauge since 1/96 and had been in storage since that time. At the time of the onsite inspection, licensee representatives informed the inspector that they were in the process of deciding whether or not they wanted to continue maintaining license for a gauge that do not use. Also, the CDS informed the inspector that he had already been investigating on how to properly dispose of the gauge by transferring it to an authorized recipient. At the time of the onsite inspection, the licensee was still contemplating on whether or not to maintain the license.

No violations or deviations were identified in this program area.

2.

MANAGEMENT OVERSIGHT

Management support to radiation safety; Radiation Safety Officer (RSO); program audits or inspections; as low as is reasonable achievable (ALARA) reviews; control and supervision by authorized users.

Through discussions with licensee representatives, the inspector determined that the named RSO on the license had left the company on 11/99. Since that time the licensee had not requested an amendment to change the RSO. At the time of the onsite inspection the inspector informed licensee representatives that this would be identified as an apparent repeat violation of License Condition 11. Upon return to the regional office, a review of the circumstances surrounding the finding by regional management determined that the finding was of minor significance based on the following reasons:

- 1) The proposed individual for being named as the RSO (CDS) had been through portable gauge manufacturer's RSO training course;
- 2) The portable gauge had been in secured storage since 1/96 and not been used since then;
- 3) Licensee representatives informed the inspector that they would amend the license within the next day to change RSOs; and
- 4) There was no significant safety issues associated with this matter since it appeared to be more administrative in nature with regards to amending the license.

As a result of these discussions, it was determined that under the current NRC Enforcement Policy that such a finding was of minor significance would not be considered a citable violation. On June 30, 2000, the inspector discussed this matter with the CDS as well as confirmed that an amendment request had been submitted to the NRC to change RSO. During those discussions the inspector informed the CDS that the matter involving the RSO would not be identified as a violation based on the above reasons.

No violations or deviations were identified in this program area.

3.

FACILITIES

Facilities as described; uses; control of access; engineering controls; calibration facilities; shielding.

As discussed above in Section 1, the licensee possessed one portable gauge that had been in storage and not used since 1/96. As discussed below in Section 5, the inspector observed the storage area used to store the portable gauge and found that the licensee secured the gauge in a locked container inside a locked fenced area in a locked storage room. Furthermore, at the time of the onsite inspection, the licensee was not able to locate the keys to the storage container that secured the gauge and the inspector was not able to visually inspect the gauge; however, through independent confirmatory measurements made by the inspector and a review of selected records since the date of the last onsite inspection, the inspector determined that the licensee possessed licensed material in the container as discussed below in Section 14.

No violations or deviations were identified in this program area.

4.	EQUIPMENT AND INSTRUMENTATION
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Operable and calibrated survey instruments; procedures; 10 CFR Part 21 procedures.

During the onsite inspection the inspector reviewed with the licensee their procedures for the use of radiation survey instruments. From those discussions, the inspector determined that the licensee did not possess any radiation survey instruments but had an agreement with another company that the licensee could borrow one from their inventory in the event licensed activities required the use of one.

No violations or deviations were identified in this program area.

5.	MATERIAL USE, CONTROL, AND TRANSFER
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Materials and uses authorized; security and control of licensed materials; and procedures for receipt and transfer of licensed material.

As discussed above in Sections 1 and 3, the inspector determined that the licensee possessed one portable gauge under their license. At the time of the onsite inspection, the inspector found the storage facilities adequate for storing the portable gauge and securing the gauge from unauthorized removal. Although the inspector did not visually observe the gauge, the inspector identified the portable gauge from a review of transportation records as a Troxler Model No. 3430, S/N 21655 that contained a cesium-137 source (S/N 75-3199, 8.0 mCi on 8/7/92) and americium-241/beryllium (S/N 47-18039, 40 mCi on 5/8/92).

No violations or deviations were identified in this program area.

6.	AREA RADIATION SURVEYS AND CONTAMINATION CONTROL
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Radiological surveys; leak tests; inventories; handling of radioactive materials; records; contamination control; public doses.

From a review of selected records since the date of the last inspection and discussions with licensee representatives, the inspector determined that the licensee created an inventory and leak test sheet/record to document when a six month inventory had been conducted by the RSO. From those reviews and discussions, the inspector found the leak test and inventories to be adequate for ensuring compliance to NRC regulatory requirements. Furthermore, as discussed above in Sections 1, 2, and 3, the gauge had been in storage and not in use since 1/96.

No violations or deviations were identified in this program area.

7. TRAINING AND INSTRUCTIONS TO WORKERS

Training and retraining requirements and documentation; interviews and observations of routine work; staff knowledge of all routine activities; 10 CFR Parts 19 and 20 requirements; emergency response.

From a review of selected training records since the date of last onsite inspection and discussions of those records with the licensee, the inspector determined that the CDS had attended the RSO training course given by the portable gauge manufacturer. In addition, from those reviews and discussions, the inspector found that the CDS had attended the VDOT nuclear recertification course. From discussions with the licensee, the inspector found the CDS knowledgeable in the licensee's radiation safety program to ensure compliance to NRC regulatory requirements.

No violations or deviations were identified in this program area.

8. RADIATION PROTECTION

Radiation protection program with ALARA provisions; access control; dosimetry; exposure evaluations; dose and survey records and reports; annual notifications to workers; bulletins and other generic communications.

During the onsite inspection the inspector reviewed the radiation protection program with the licensee. From those reviews of selected dosimetry records since the date of the last onsite inspection and discussions with the licensee, the inspector determined that the licensee used a NVLAP approved dosimetry provider [Troxler (Panasonic)], exchanged dosimeters on a quarterly frequency, and no exposures had been received by individuals that exceeded any NRC regulatory limits.

No violations or deviations were identified in this program area.

9. RADIOACTIVE WASTE MANAGEMENT

Disposal or transfer of sources; packaging, control, and tracking procedures; records.

From a review of selected records since the date of the last onsite inspection and discussions with the CDS, the inspector determined that the licensee had not transferred nor disposed of licensed material since the date of the last onsite inspection. However, from those discussions with the CDS, the inspector was informed that the licensee was looking into whether or not they should maintain the NRC license for a gauge that they have not used since 1/96. The CDS had already identified a gauge manufacturer that would take the gauge from the licensee for disposal. At the time of the onsite inspection the licensee had not decided on what actions to pursue.

No violations or deviations were identified in this program area.

10.	DECOMMISSIONING
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Records relevant to decommissioning; decommissioning plan/schedule; notification requirements; cost estimates; funding methods; financial assurance; and Timeliness Rule requirements; changes in radiological conditions since decommissioning plan was submitted.

This program area was not inspected and not applicable at the time of the onsite inspection since the licensee possessed a sealed source in a portable gauge that had not been identified as leaking from current leak tests results.

11.	RADIATION TRANSPORTATION
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Quantities and types of licensed material shipped; packaging design requirements; shipping papers; hazardous materials HAZMAT communication procedures; return of sources; procedures for monitoring radiation and contamination levels of packages; HAZMAT training; and records and reports.

From a review of selected records since the date of the last onsite inspection and discussions with the licensee, the inspector determined that the licensee maintained appropriate records for transporting the portable gauge to temporary jobsites to ensure compliance to NRC and DOT regulatory requirements.

No violations or deviations were identified in this program area.

12.	NOTIFICATIONS AND REPORTS
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Reporting and followup of theft; loss; incidents; overexposures; safety-related equipment failures; change in RSO, authorized user; and radiation exposure reports to individuals.

Through discussions with the licensee and a review of selected records during the onsite inspection and a search of NMED, the inspector did not identify any concerns in this program area since the date of the last onsite inspection.

No violations or deviations were identified in this program area.

13. POSTING AND LABELING

Notices; license documents; regulations; bulletins and generic information; area postings; and labeling of containers of licensed material.

During the onsite inspection, the inspector observed that the licensee had posted an appropriately placed NRC Form 3 on the door to the storage room where the gauge was being stored and other postings to ensure compliance to 10 CFR 19.11 and 21.6.

No violations or deviations were identified in this program area.

14. INDEPENDENT AND CONFIRMATORY MEASUREMENTS

Areas, both restricted and unrestricted, surveyed, and comparison of data with licensee's results and regulations; and instrument type and calibration date.

During the onsite inspection the inspector conducted independent confirmatory area radiation surveys of the area used to store the portable gauge. At the time of the onsite inspection the licensee was unable to locate the key to the lock on the gauge container. As a result, the inspector was unable to visually inspect the gauge; however, the inspector did observe radiation levels above background indicating that there was licensed material in the container. As discussed above in Section 5, transportation records maintained by the licensee identified the gauge that was in the locked container. The following instrument was used to make those measurements:

<u>Manufacturer</u> <u>Date</u>	<u>Model Number</u>	<u>Serial Number</u>	<u>Calibration</u>
Ludlum	2401-P	145165 (NRC Tag No. 067664)	8/23/99

From those independent confirmatory radiation survey measurements, the inspector did not identify any radiation levels that exceeded any NRC regulatory limits and the storage area were found to be posted in accordance with NRC regulatory requirements.

15. VIOLATIONS, NCVs, AND OTHER SAFETY ISSUES

State requirement and how and when licensee violated the requirement. For NCVs, indicate why the violation was not cited. Attach copies of all licensee documents needed to support violations.

During the onsite inspection, the inspector identified one apparent repeat violation regarding the failure of the licensee to amend the license to change RSO. However, as discussed above in Section 2, the finding was reviewed by regional management and based on the above circumstances, the finding was withdrawn since the finding was determined to be of minor significance in accordance with the current NRC Enforcement Policy. As a result, there were no violations or deviations of NRC regulatory requirements (An NRC Form 591 Clear was issued after the inspection was conducted in a separate letter to the licensee).

16. PERSONNEL CONTACTED

Identify licensee personnel contacted during the inspection (including those individuals contacted by telephone).
 Use # to indicate individual present at entrance meeting.
 Use * to indicate individual present at exit meeting.

Name	Title	Phone No.	In Person or By phone
*Mike Post #*Stephen Wiltshire	President Corporate Director of Safety	703-550-8100 703-550-8100	In Person In Person

17. PERFORMANCE EVALUATION FACTORS (PEFs)

A.	Lack of senior management involvement with the radiation safety program and/or RSO oversight			Y		N	X
B.	RSO too busy with other assignments			Y		N	X
C.	Insufficient staffing			Y		N	X
D.	Radiation Safety Committee fails to meet or functions inadequately	N/A	X	Y		N	
E.	Inadequate consulting services or inadequate audits conducted	N/A		Y		N	X

REMARKS: (Consider the above assessment and/or other pertinent PEFs with regard to the licensee's oversight of the radiation safety program.)

Based on discussions with the licensee representative, a review of selected records since the date of last inspection, and direct observations, the inspector found that the licensee's oversight of the radiation safety program was adequate for ensuring compliance to NRC regulatory requirements based on the scope of the program.

18. SPECIAL CONDITIONS OR ISSUES

Special license conditions; year-2000 effects of computer software and embedded systems.

None identified during the conduct of this onsite inspection.

PART III - POST- INSPECTION ACTIVITIES

1. REGIONAL FOLLOWUP ON PEFs

Not Applicable, No concerns were noted during the conduct of this onsite inspection.

2. DEBRIEF WITH REGIONAL STAFF

Post-inspection communication with supervisor, regional licensing staff, Agreement State Officer; and/or State Liaison Officer.

After conducting the onsite inspection, the inspector debriefed the MLIB1 Branch Chief of the inspection findings. As discussed above in Section 1, an apparent repeat violation was withdrawn due to the minor significance of the finding and a 591 clear inspection report was issued to the licensee.

3. YEAR-2000 ISSUES

Convey, to the NMSS Year-2000 Coordinator, all year-2000 licensee-identified problems and corrective actions taken.

Not Applicable to the program areas conducted during this onsite inspection.

TO ADVANCE TO NEXT SECTION - PUSH PAGE DOWN KEY

**APPENDIX A - ATTACHMENT A
DECOMMISSIONING TIMELINESS INSPECTION**

Licensee:	Shirley Contracting Corporation, Lorton, Virginia	Date of Inspection:	6/26/00			
1.	COMPLIANCE WITH DECOMMISSIONING TIMELINESS RULE					
NOTE: Repeat the answers given in Section 12 of the main body of the inspection record. The issues in subsequent sections are dependent on the answers to these questions.						
D.	License to conduct a <i>principal activity</i> <u>has</u> expired or been revoked:	Y		N	X	
B.	Licensee <u>has</u> made a decision to permanently cease <i>principal activities</i> , at the entire site, or at any separate buildings, or at any outdoor areas, including inactive burial grounds.	Y		N	X	
C.	A 24-month duration has passed in which no <i>principal activities</i> have been conducted under the license at the site, or at any separate buildings, or any outdoor areas, including inactive burial grounds.	Y		N	X	
D.	If "Yes" to either A or B or C above:					
	(1) Identify Site/Bldg./Area:					
	(2) Date of occurrence of A, B, or C:					
2.	NOTIFICATION REQUIREMENTS					
A.	Licensee has provided written notification to the U.S. Nuclear Regulatory Commission (NRC) within 60 days of the occurrence of 1.A., 1.B., or 1.C., above.	Y		N		
	If "Yes," date of notification:					
B.	If the licensee is requesting to delay initiation of the decommissioning process, the licensee <u>has</u> provided written notification to NRC within 30 days of occurrence of 1.A., 1.B., or 1.C. above.	N/A		Y	N	
	If "Yes," date of notification:					
Basis for Findings:						
3.	DECOMMISSIONING PLAN/SCHEDULE REQUIREMENTS					
A.	Licensee is required to submit a decommissioning plan per 10 CFR 30.36(g); 10 CFR 40.42(g); 10 CFR 70.38(g); or 10 CFR Part 72?	Y		N		
	If "No" to 3.A., answer the following items B. - F.					
B.	The decommissioning work scope is covered by current license conditions.	Y		N		

C.	Decommissioning has been initiated within 60 days of notification to NRC, or NRC has granted a delay.	Y		N	
D.	If licensee has initiated decommissioning, give date the decommissioning was initiated:				
E.	If decommissioning has been completed, it was completed within 24 months of notification to NRC.	N/A	Y	N	
F.	If decommissioning is still scheduled to be completed, it is on schedule to be completed within 24 months of notification to NRC.	N/A	Y	N	
Basis for Findings:					
	If "Yes" to 3.A., answer the following items G. - J.				
G.	The decommissioning plan has been submitted to NRC within 12 months of notification.	Y		N	
	If "Yes," date of submittal:				
	If NRC approved, date of NRC approval:				
H.	Has the licensee submitted an alternative schedule request?	Y		N	
	If "Yes," date of submittal:				
I.	If decommissioning has been completed, it was completed within 24 months after approval of the decommissioning plan.	N/A	Y	N	
J.	If decommissioning is still scheduled to be completed, it is on schedule to be completed within 24 months after approval of the decommissioning plan.	N/A	Y	N	
Basis for Findings:					
Violations identified, if any:					