



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

March 28, 2008

Docket No. 03033874

License No. 31-30226-01

Joseph M. Golden
Corporate Manager, Health & Safety
Malcolm Pirnie, Inc.
104 Corporate Park Drive
White Plains, NY 10602

SUBJECT: INSPECTION 03033874/2008001, MALCOLM PIRNIE, INC., CHEVRON MINING, INC., WASHINGTON, PA REMEDIATION SITE, WASHINGTON, PENNSYLVANIA AND NOTICE OF VIOLATION

Dear Mr. Golden:

This refers to the inspection conducted on February 27, 2008 at the Chevron Mining Company Washington, PA remediation site. This inspection was an examination of activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel. The enclosed report presents the results of this inspection. The results of this inspection were discussed with Al Shuckrow and others in your organization at an exit meeting on February 27, 2008.

Based on the results of this inspection, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation involved the failure to perform the required physical sealed source inventory as required by your NRC license. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC; Organization and Functions; Office of Enforcement; About Enforcement**; then **Enforcement Policy**. The violation is cited in the enclosed Notice of Violation (Notice). The violation is being cited in the Notice because your staff did not identify the violation.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. For your consideration and convenience, an excerpt from NRC Information Notice 96-28, "SUGGESTED GUIDANCE RELATING TO DEVELOPMENT AND IMPLEMENTATION OF CORRECTIVE ACTION," is enclosed. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

J. Golden

2

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site 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.

Sincerely,

/RA Original Signed By:/

Raymond K. Lorson, Chief
Decommissioning Branch
Division of Nuclear Materials Safety

Enclosure:

Notice of Violation

Inspection Report

Information Notice 96-28, "Suggested Guidance

Relating to Development and Implementation of Corrective Action"

cc:

Al Shuckrow, Project Manager

State of New York

Commonwealth of Pennsylvania

J. Golden

3

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site 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.

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Raymond K. Lorson, Chief
Decommissioning Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation
Inspection Report
Information Notice 96-28, "Suggested Guidance
Relating to Development and Implementation of Corrective Action"

cc:
Al Shuckrow, Project Manager
State of New York
Commonwealth of Pennsylvania

Distribution:
D. J. Holody, RI

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NAME	JNicholson		RLorson				
DATE	03/28/2008		03/28/2008				

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NOTICE OF VIOLATION

Malcolm Pirnie, Inc.
White Plains, NY

Docket No. 03033874
License No. 31-30226-01

During an NRC inspection conducted on February 27, 2008, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

- A. Condition 16 of License No. 31-30226-01 requires the licensee to conduct a physical inventory every six months, or at other intervals approved by the U.S. Nuclear Regulatory Commission, to account for all sources and/or devices received and possessed under the license. Records of inventories shall be maintained for five years from the date of each inventory and shall include the radionuclide, quantities, manufacturer's name and model numbers, and the date of the inventory.

Contrary to the above, between May 3, 2006 and February 27, 2008, the licensee failed to conduct a physical inventory every six months, or at other intervals approved by the U.S. Nuclear Regulatory Commission, to account for all sources and/or devices received and possessed under the license. Specifically, the licensee received a Troxler moisture density gauge at the Chevron Mining Washington, PA remediation site on April 12, 2006, and performed a physical inventory on May 3, 2006. However, the licensee did not perform a physical inventory after May 3, 2006.

This is a Severity Level IV violation (Supplement VII).

Pursuant to the provisions of 10 CFR 2.201, Malcolm Pirnie, 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. 20555-001, 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 or the severity level, (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.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>, to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your

Notice of Violation
Malcolm Pirnie, Inc.

2

response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated This 28th day of March 2008

U.S. NUCLEAR REGULATORY COMMISSION
REGION I

INSPECTION REPORT

Inspection No. 03033874/2008001
Docket No. 03033874
License No. 31-30226-01
Licensee: Malcolm Pirnie, Inc.
Location: Washington Remediation Project
1217 West Wayne Street
Washington, PA 15301
Inspection Dates: February 27, 2008
Inspector: John Nicholson, Health Physicist
Approved By: Raymond Lorson, Branch Chief
Decommissioning Branch
Division of Nuclear Materials Safety

EXECUTIVE SUMMARY

Malcolm Pirnie, Inc.
NRC Inspection Report No. 03033874/2008001

This was an announced inspection by a regional inspector to review the site radiation safety program. The inspector reviewed the security of the Troxler gauge, records of leak tests, sealed source inventories, and use logs.

One Severity Level IV violation, failure to perform to perform the required physical sealed source inventory as required by Condition 16 of NRC license number 31-30226-01, was identified. This violation is being dispositioned as a Notice of Violation (NOV) in accordance with the NRC Enforcement Policy, Section VI.B.

Inspection Report No. 04008778/2007001
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REPORT DETAILS

I. Organization and Scope of the Program

a. Inspection Scope

The inspector reviewed the organizational structure of the radiation safety program, the authorized locations of use, the frequency of use, and staff size.

b. Observations and Findings

There are three people trained to use the gauge. There is one gauge, purchased for exclusive use at the Chevron Mining Washington, PA remediation site. The gauge has never been off this site. The gauge is used infrequently; the last time being January 2007.

c. Conclusions

No findings of significance were identified.

II. Sealed Source Use, Storage, and Control

a. Inspection Scope

The inspector visited the storage trailer on-site. The inspector reviewed receipt documentation, usage logs, leak test results, and sealed source inventories.

b. Observations and Findings

The inspector observed that the single Troxler gauge was properly secured in the locked trailer on-site. The gauge was not being used. The gauge was purchased for use at the Chevron Mining site. It was delivered to the site directly from the manufacturer by a commercial package delivery service on April 12, 2006. The gauge is used infrequently; the last time being January 2007. Three personnel have been trained to use the gauge. The gauge has been in storage since January 2007. The last leak test was performed on October 5, 2007. The leak test results indicated no problem with the sources. The licensee stated they are aware the gauge will have to be leak tested prior to use. The gauge is stored in a trailer on-site and is not transported over any public roads. The inspector observed that the gauge was in its case and properly secured to the floor of the trailer. The licensee has conducted routine surveys of the trailer, and conducted a sealed source inventory on May 3, 2006. No physical inventory has been conducted since then. The licensee performed a sealed source inventory while the inspector was on site.

c. Conclusions

One Severity Level IV violation, for not performing the physical sealed source inventory every six months as required by Condition 16 of the NRC license, was identified and is being dispositioned as a Notice of Violation in accordance with the NRC Enforcement Policy. The licensee is required to perform an inventory of sealed sources every six months.

III. Radiation Surveys

a. Inspection Scope

The inspector reviewed results of routine surveys for contamination and exposure levels in administrative and work areas.

b. Observations and Findings

Routine radiation surveys with portable survey meters were conducted of the trailer and gauge. The survey results indicated that the gauge was present in the storage location at the time of the surveys.

c. Conclusions

No findings of significance were identified.

IV. Posting and Labeling

a. Inspection Scope

The inspectors looked at the posting of the storage area.

b. Observations and Findings

The gauge case and the doors of the trailer into the gauge storage area were properly posted and the postings were clear and legible.

c. Conclusions

No findings of significance were identified.

V. Transportation

a. Inspection Scope

The inspector discussed with one of the authorized gauge users how it is transported.

b. Observations and Findings

The gauge was delivered directly to the site from the manufacturer by commercial carrier. It has never left the site. It is stored in a trailer right on the work site. When it is used, the gauge never travels on or across any public roads.

c. Conclusions

No findings of significance were identified.

VI. Exit Meeting Summary

A exit meeting was held with the Malcolm Pirnie Project Manager, Alan Shuckrow, and other licensee and contractor personnel on February 27, 2008. The licensee acknowledged the inspector's observations.

SUPPLEMENTAL INFORMATION

KEY POINTS OF CONTACT

Licensee

Chuck Beatty	Field Manager, Malcolm Pirnie, Inc.
George Dawes	Radiation Safety Officer, Chevron Environmental Management Company
Ben Deringer	Health Physics Technician, EG&G
Ellen Jakub	Assistant Radiation Safety Officer, Safety & Ecology Corp.
Alan Shuckrow	Project Manager, Malcolm Pirnie, Inc.
Scott Thompson	Technician, Malcolm Pirnie, Inc.

LIST OF ITEMS OPENED, CLOSED AND DISCUSSED

Opened

03033874/2008001 NOV, not performing the physical sealed source inventory and documenting it every six months as required by Condition 16 of the NRC license.

LIST OF ACRONYMS

DOT	Department of Transportation
NOV	Notice of Violation
RSO	Radiation Safety Officer