



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

April 2, 2008

Docket No. 04008778

License No. SMB-1393

Mark R. Lafferty
Technical Advisor
Chevron Environmental Management Company
6001 Bollinger Canyon Road
Room K2088
San Ramon, CA 94583

SUBJECT: INSPECTION 04008778/2008001, CHEVRON MINING COMPANY,
WASHINGTON, PA REMEDIATION SITE, WASHINGTON, PENNSYLVANIA
AND NOTICE OF VIOLATION

Dear Mr. Lafferty:

This refers to the on-site 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. Additional information, provided in a telephone conversation on March 11, 2008, with Ellen Jakub, assistant radiation safety officer, Safety & Ecology Corporation, was also considered as part of the inspection. The results of this inspection were discussed with Jim Raleigh and others in your organization at a preliminary exit meeting on February 27, 2008 and during a telephone exit meeting with George Dawes on March 11, 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 not providing required training to personnel responsible for preparation of a limited quantity package of soil samples for shipment. 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.

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

M. Lafferty

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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/

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

Enclosures:

1. Notice of Violation
2. Inspection Report
3. NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action"

cc:

George Dawes, Radiation Safety Officer
Jim Raleigh, P.E., Site Project Manager
Commonwealth of Pennsylvania

M. Lafferty

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3. NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action"

cc:

George Dawes, Radiation Safety Officer
Jim Raleigh, P.E., Site Project Manager
Commonwealth of Pennsylvania Distribution:
D. J. Holody, RI

DOCUMENT NAME: C:\FileNet\ML080940374.wpd

SUNSI Review Complete: JNicholson

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OFFICE	DNMS/RI	N	DNMS/RI	DNMS/RI		
NAME	JNicholson		RLorson	RLorson		
DATE	03/31/2008		03/31/2008	4/3/2008		

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NOTICE OF VIOLATION

Chevron Environmental Management Company
San Ramon, CA

Docket No. 04008778
License No. SMB-1393

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:

49 CFR 172.702 requires that each hazmat employer shall ensure that each hazmat employee is trained and tested, and that no hazmat employee shall perform any function subject to the requirements of 49 CFR Parts 171-177 unless trained, in accordance with Subpart H of 49 CFR Part 172. The terms Hazmat Employer and Hazmat Employee are defined in 49 CFR 171.8. Section 4.1 of site procedure M-10 "Environmental Sample Shipping," requires all personnel preparing limited quantity radioactive material packages for shipment to have the minimum training described in 49 CFR 172 Subpart H.

Contrary to the above, on February 15, 2008 the licensee prepared a limited quantity package subject to 49 CFR Parts 171-177 for transportation by an analytical laboratory without using properly trained employees, as required by Subpart H to 49 CFR Part 172.

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

Pursuant to the provisions of 10 CFR 2.201, Chevron Environmental Management Company is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555-0001, 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, with the basis for your denial, 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 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 2nd day of April 2008

U.S. NUCLEAR REGULATORY COMMISSION
REGION I

INSPECTION REPORT

Inspection No. 04008778/2008001
Docket No. 04008778
License No. SMB-1393
Licensee: Chevron Mining Co.
Location: Washington Remediation Project
1217 West Wayne Street
Washington, PA 15301
Inspection Dates: February 27, 2008 (on site inspection)
March 11, 2008 (in office review)
Inspector: John Nicholson, Health Physicist
Approved By: Raymond Lorson, Branch Chief
Decommissioning Branch
Division of Nuclear Materials Safety

EXECUTIVE SUMMARY

Chevron Mining Company
NRC Inspection Report No. 04008778/2008001

This was an announced inspection by a regional inspector to review the site radiation safety program. The inspector reviewed dosimetry records, routine survey results, meter calibration records, air sampling results, training records, and general decommissioning activities. The inspector also reviewed the licensee's controls over the transportation of environmental soil samples from the Chevron Mining Washington PA site to an off-site analytical laboratory. The inspector reviewed shipment data, procedures, training and selected records related to the transportation of samples.

One Severity Level IV violation, for not providing training as required by 49 CFR Part 172 Subpart H to personnel responsible for the preparation of a limited quantity package on February 15, 2008, was identified. This violation is being dispositioned as a Notice of Violation (NOV) in accordance with the NRC Enforcement Policy, Section VI.B.

REPORT DETAILS

I. Facilities Management and Control

a. Inspection Scope

The inspectors interviewed site personnel, and reviewed selected records to assess the oversight and control of the site decommissioning activities.

b. Observations and Findings

The inspector observed that excavation and transportation of soil from the site was continuing despite the weather challenges of heavy rain. The licensee estimated that the project is approximately 75% complete and on track for completion in June 2008.

c. Conclusions

No findings of significance were identified.

II. Decommissioning Performance and Status Review

a. Inspection Scope

The inspectors reviewed records and procedures for conducting radiological surveys. Additionally, the inspectors reviewed personnel badging and dosimetry records, contamination surveys, and air sampling results to assess the effectiveness of the radiation safety program.

b. Observations and Findings

The inspector determined that radiation surveys were performed in accordance with procedures and also that actions to prevent the spread of contamination were adequate. Air sampling records were reviewed and no airborne radioactivity levels above background were detected. Due to the wet conditions on-site dust control was not an issue.

c. Conclusions

No findings of significance were identified. All radiological work appeared to be adequately controlled and conducted in accordance with the site Decommissioning Plan.

III. Training of Workers

a. Inspection Scope

The inspector reviewed safety briefings, safety procedures and personnel training files to review the scope of training provided to radiation workers. The inspector observed field activities and interviewed site personnel to assess the effectiveness of the training provided. The inspector went through the Site Orientation Training Overview and Radiation Worker Awareness Training and Radiation Worker Training presentations with the site radiation safety officer and training coordinator.

b. Observations and Findings

The inspector talked to site personnel and determined that they were aware of their rights and responsibilities associated with working on a radiological decommissioning site.

c. Conclusions

No findings of significance were identified.

IV. Radioactive Waste Management

a. Inspection Scope

The inspectors observed the rail car loading operations to ensure that proper contamination control practices were being utilized.

b. Observations and Findings

Rail car shipments started on March 13, 2007. The licensee estimated the radiological portion of the decommissioning project would be completed by June 2008.

c. Conclusions

No findings of significance were identified.

V. Transportation of Radioactive Material

a. Inspection Scope

The inspector reviewed selected records and interviewed workers involved with the preparation of soil samples for transport to ensure that activities were performed in compliance with applicable NRC and DOT regulations.

b. Observations and Findings

The inspector reviewed records for soil sample shipments for 2008. A limited quantity shipment was prepared on February 15, 2008. The package was properly labeled.

However, none of the personnel involved in preparing the package for shipment had been trained per 49 CFR Part 172 Subpart H. The licensee's procedure M-10, "Environmental Sample Shipping," states that personnel must have the required Subpart H training prior to preparing limited quantity packages for shipment.

c. Conclusions

One Severity Level IV violation, not providing the training required by 49 CFR Part 172 Subpart H prior to preparing a limited quantity package of soil samples for shipment on February 15, 2008, was identified and is being dispositioned as a Notice of Violation in accordance with the NRC Enforcement Policy.

VI. Exit Meeting Summary

A preliminary exit meeting was held with the Chevron Mining Project Manager, Jim Raleigh, and other licensee and contractor personnel on February 27, 2008. An exit was conducted by telephone on March 11, 2008 with George Dawes. 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.
Jim Raleigh	Project Manager, Chevron Environmental Management Company
Alan Shuckrow	Project Manager, Malcolm Pirnie, Inc.
Scott Thompson	Technician, Malcolm Pirnie, Inc.

LIST OF ITEMS OPENED, CLOSED AND DISCUSSED

Opened

04008778/2008001	NOV	not providing the training required by 49 CFR Part 172 Subpart H prior to preparing a limited quantity package of soil samples for shipment on February 15, 2008
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LIST OF DOCUMENTS REVIEWED

M-10, Environmental Sample Shipping, Rev. 1, dated August 2006

LIST OF ACRONYMS

CHP	Certified Health Physicist
DOT	Department of Transportation
HMR	Hazardous Materials Regulations
RSO	Radiation Safety Officer