Box 900
Gainesville, Virginia 20156

(703) 631-0004
Fax (703) 257-1725

Superior Paving Corp.

L-2

January 15, 2009

2009 JAN 20 PM 1:07
RECEIVED
REGION I

Nuclear Regulatory Commission
Attn: Randy Ragland
Division of Nuclear Materials Safety
475 Allendale Road
King of Prussia, Pa. 19406

45-24949-01
03030252/2008001

Mr. Ragland,

This letter is in response to your visit to Superior Paving Corporation in November 2008 of which the following violations were identified. Below are listed the violations with the corrective actions that were taken and the preventive actions that will follow to prevent further violations.

1.0: Violation of 10 CFR 30.34(i): Failure to have two tangible barriers to secure gauges.

a. A portable gauge at the Manassas Site was secured with only one tangible barrier (i.e., single locked door)

Corrective Action: This gauge-shipping container was secured with one locked cable and one locked chain, which are secured to a permanent structure. This procedure took place on November 24, 2008.

Preventive action: All certified gauge users were notified and further instructed that the particular gauge in question was to be secured when not in use by utilizing both tangible barriers so as to prevent unauthorized use. This item has been added to the annual refresher training with great emphasis to be added so as to prevent future occurrences.

b. Two portable gauges stored at the Culpeper site each with only one tangible barrier (single locked door on each storage container).

Corrective Action: An additional hasp and locked were installed on both containers so as to provide two tangible barriers and to be compliant with CFR 30.34(i). An audit of other storage containers within the company was completed and revealed that additional hasps and locks needed to be added to other containers as well. Additional hasps and locks were installed on all storage containers within the company on January 9, 2009.

NMSS/RGNI MATERIALS-004

MEMBER NAPA NATIONAL ASPHALT PAVEMENT ASSOCIATION
VRTBA Virginia Road And Transportation Builders Association
VIRGINIA ASPHALT ASSOC., INC.
Since 1976

Box 900
Gainesville, Virginia 20156

(703) 631-0004
Fax (703) 257-1725

Superior Paving Corp.

Preventive Action: This requirement was added to the annual audit and training will be provided to all certified gauge users at annual refresher training. Additionally the company has replaced the former RSO and the new RSO is committed to safety and compliance to NRC Regulations.

2.0: Violation of Title 10 CFR 20.2102: Failure to maintain records of annual audit in 2007 and 2008.
Corrective Action: An annual audit of the radiation protection program and the results were done on January 13, 2009 using content within NUREG 1556, Vol. 1.
Preventive Action: The RSO designee is committed to this practice and future annual audits will be documented.

3.0: Violation of Title 10 CFR 20.1902: Failure to post storage area at the Manassas site as Radioactive Materials Area:
Corrective Action: Decals that represent such were posted at this location on December 17, 2008. A review of all storage areas to insure compliance was completed and additional decals were posted at various locations to replace those that were faded and cracked.
Preventive Action: A review of the radiological posting was added to the annual review and this item has been added to the annual refresher training for gauge users so as to heighten awareness of this requirement.

4.0: Violation of NRC License No. 45-24949-01, Condition 17: Failure to lock gauge or gauge shipping container at Manassas site:
Corrective Action: This source rod of the gauge in question was locked on November 21, 2008.
Preventive Action: This has been added to the annual audit and training was provided to all gauge users on the requirement. Additional locks have been purchased and are on hand on case of an issue of a lock not working properly so as it may be replaced immediately. The current RSO designee is very familiar with securment and is committed to compliance with the issued license so as to prevent further violations.

Box 900
Gainesville, Virginia 20156

(703) 631-0004
Fax (703) 257-1725

Superior Paving Corp.

5.0: Violation of NRC License No. 45-24949-01,Condition 15. Failure to maintain record of six-month inventory with all of the required information including radionuclides and quanity.
Corrective Action: An excel spread sheet was developed to include all required information by the RSO designee and an audit of all gauges was performed and all gauges with the required information was input on the spread sheet on December 15, 2008.
Preventive Action: The current RSO designee is committed to compliance with NRC regulations and license requirements. This spread sheet has been added to the annual audit and additionally added to the six month leak test requirement so that it will be filled out according to the license requirement.

Additionally Superior Paving Corporation has not taken these violations lightly, not only have controls been put in place as specified but they have also appointed a new RSO who is committed to safety, securment, NRC regulations, and license requirements, it is our hopes with these changes in place that we will have no future occurrences.

Sincerely,

Dave Helmick, Vice –President
Superior Paving Corporation