



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

May 25, 2011

Docket No. 03020034
EA-11-089

License No. 37-20647-01

John Cook
Vice President
Gannett Fleming, Inc.
P.O. Box 67100
Harrisburg, PA 17106-7100

SUBJECT: NRC INSPECTION REPORT NO. 03020034/2011001, NOTICE OF VIOLATION AND EXERCISE OF ENFORCEMENT DISCRETION: GANNETT FLEMING, INC.

Dear Mr. Cook:

During the period of February 25, through May 17, 2011, Scott Wilson of this office conducted a safety inspection at the above address and at additional locations in Danbury and New Haven, Connecticut. The inspection was an examination of your activities authorized by the above listed NRC license as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selective examination of representative records. The findings of the inspection were discussed with you via telephone at the conclusion of the inspection on May 17, 2011. This letter presents the results of this inspection.

Based on the inspection, and in accordance with the NRC Enforcement Policy, the NRC has determined that three Severity Level IV violations of NRC requirements occurred. These violations are described below and are cited in the attached Notice of Violation (Notice). The violations are being cited in the Notice because they were identified by the NRC.

First, a violation of 10 CFR 30.34(i) was identified during this inspection which involved the failure to use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal whenever portable gauges are not under the control and constant surveillance of the licensee. In accordance with the Enforcement Policy, although such violations are normally categorized at Severity Level III and considered for escalated enforcement action, because: 1) one physical control existed to prevent loss or theft of the portable gauge; 2) you retained possession of the gauge; 3) the violation was isolated; and 4) no indication of programmatic weakness was identified, the NRC is exercising enforcement discretion to categorize this violation as Severity Level IV.

The Radiation Safety Officer (RSO), as well as an authorized gauge user, each stated that they did not have a full understanding of the security requirement. Corrective action was taken as employees immediately secured the gauge using a locked cable, within a locked cabinet, thereby providing the two independent physical controls required. The gauge storage met the security requirements prior to the inspector leaving the site. The RSO also stated that an evaluation of gauge security practices at each additional gauge storage location will be completed by May 31, 2011, and similar evaluations will be included in future radiation protection program reviews.

The second violation related to the failure to conduct annual program reviews for the years 2007 & 2008, which is a violation of 10 CFR 20.1101(c), and is categorized as Severity Level IV.

The RSO provided that the violation was due to an oversight. As a result of this finding, the RSO stated that program reviews for the years 2007 & 2008 would be completed and documented by May 31, 2011. As a preventative measure to ensure future program reviews are conducted annually, the RSO stated that an electronic reminder system will be implemented by May 31, 2011.

The third violation involved the transport of hazardous materials (portable gauges) over public highways by employees that had not completed the recurrent training required by Condition 19 of NRC License No. 37-20647-01, and 49 CFR 172, which is categorized as Severity Level IV.

The RSO stated that the violation was due to an oversight, and that personnel error was a contributing factor in that employees are expected to maintain current training. To address this violation, the RSO stated that a review of all authorized user training would be conducted and users would be informed not to transport gauges until all training requirements were satisfied. Finally, the RSO stated that all training would be completed by May 31, 2011, and, as a preventative measure, stated that an electronic reminder system will be implemented by May 31, 2011, to ensure training requirements are maintained current.

The NRC has concluded that information regarding the reasons for the violations, the corrective actions to be taken to correct the violations and prevent recurrence, and the dates when full compliance will be achieved is already adequately addressed on the docket in this letter and its enclosure. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

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

Current NRC regulations are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material**; then **Regulations, Guidance, and Communications**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC; Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 7:00 a.m. to 6:30 p.m. EST, Monday through Friday (except Federal holidays).

Please contact Scott Wilson at 610-337-5136 if you have any questions regarding this matter.

Sincerely,

/RA/

Blake Welling, Chief
Materials Security and Industrial Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
Raymond Deering, Radiation Safety Officer
Commonwealth of Pennsylvania
State of Connecticut

Current NRC regulations are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material**; then **Regulations, Guidance, and Communications**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC; Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 7:00 a.m. to 6:30 p.m. EST, Monday through Friday (except Federal holidays).

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Sincerely,

/RA/

Blake Welling, Chief
Materials Security and Industrial Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
Raymond Deering, Radiation Safety Officer
Commonwealth of Pennsylvania
State of Connecticut

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SUNSI Review Complete: SWilson

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OFFICE	DNMS/RI	N	DNMS/RI	N	DNMS/RI	N		N
NAME	SWilson SLW		MMcLaughlin MMM*		BWelling BDW			
DATE	5/ 24 /2011		5/ 23 /2011		5/25/2011			

NOTICE OF VIOLATION

Gannett Fleming, Inc.
Camp Hill, PA

Docket No. 03020034
License No. 37-20647-01
EA-11-089

During an NRC inspection conducted between February 25, and May 17, 2011, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 30.34(i) requires that each portable gauge licensee shall use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.

Contrary to the above, on February 25, 2011, Gannett Fleming, Inc. (GFI), stored a portable gauge at 424 Chapel Street, New Haven, Connecticut, without two independent physical controls that form tangible barriers to secure the portable gauge from unauthorized removal, and the portable gauge was not under the control and constant surveillance of the licensee. Specifically, GFI used a locked cable to secure the portable gauge within the structure, providing only one tangible barrier (the cable and lock), to secure the portable gauge from unauthorized removal, and it was not under the control and constant surveillance of the licensee.

This is a Severity Level IV violation (EGM 11-004).

- B. 10 CFR 20.1101(c) requires that a licensee shall periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, between January 2007 and December 2009, GFI did not conduct a review of its radiation protection program content and implementation.

This is a Severity Level IV violation (Section 6.7(d)(4)).

- C. Condition 19 of NRC License No. 37-20647-01 requires the licensee to conduct licensed activities in accordance with 10 CFR 71.5 regarding transportation of licensed materials.

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 Department of Transportation (DOT) regulations in 49 CFR parts 107, 171 through 180, and 390 through 397.

49 CFR 171.8 defines a hazmat employee, in part, as a person who is employed by a hazmat employer and who in the course of such employment directly affects hazardous materials transportation safety, including individuals who load, unload, or handle hazardous materials; prepare hazardous materials for transportation; are responsible for safety of transporting hazardous materials; and operate a vehicle used to transport hazardous materials. This regulation defines a hazmat employer, in part, as a person who employs or uses at least one hazmat employee on a full-time, part time, or temporary basis; and who transports hazardous materials in commerce.

49 CFR 172.702 requires, in part, that each hazmat employer shall ensure that each of its hazmat employees is trained and tested by appropriate means on the training subjects covered in 49 CFR 172.704, and that no hazmat employee may perform any function subject to the requirements of 49 CFR Parts 171-180 unless instructed in the applicable requirements.

49 CFR 172.704(c) requires, in part, that a hazmat employee receive initial training within 90 days after employment or a change in job function, and recurrent training at least once every three years.

Contrary to the above, GFI did not provide training for its hazmat employees which satisfied the requirements in 49 CFR Part 172, in that, on September 1, 2, and 9, 2010; October 15 & 16, 2010; and November 2 & 3, 2010, two GFI employees transported licensed material from the storage location in New Haven, Connecticut, over public roads to and from temporary jobsites, without having completed the necessary training required by 49 CFR 172.704(c). Specifically, licensee records indicated that, of the employees that had transported gauges during the time period specified above, two employees had not received recurrent training since February 2, 2007, a period of more than three years.

This is a Severity Level IV Violation (Section 6.3(d)(4))

The NRC has concluded that information regarding the reasons for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in the letter transmitting this Notice. Therefore, no response to this Notice is required. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, EA-11-089," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room and from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

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

Dated this 25th day of May 2011