



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

October 12, 2011

Docket No. 03034012

License No. 08-30263-01

Christopher A. Coppula
Associate General Counsel
Fort Myer Construction Corporation
2237 33rd Street, N.E.
Washington, DC 20018-1594

SUBJECT: NRC INSPECTION REPORT NO. 03034012/2011001, FORT MYER
CONSTRUCTION CORPORATION, WASHINGTON, DC AND NOTICE OF
VIOLATION

Dear Mr. Coppula:

On August 31, 2011 and September 8, 2011, Randolph Ragland, of this office conducted a safety inspection at 2001 5th Street, N.E., Washington, DC of activities authorized by the above listed NRC license. The inspection continued in-office until October 5, 2011. The inspection was an examination of your licensed activities 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 by telephone at the conclusion of the inspection on October 5, 2011.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that two Severity Level IV violations of NRC requirements occurred. The violations involved: 1) the failure to perform an annual review of your radiation program content and implementation as required by 10 CFR 20.1101(c); and 2) the failure to maintain complete dosimetry records as required by 10 CFR 20.2106.

The violations are cited in the enclosed Notice of Violation (Notice), because the violations were identified by the NRC.

During our inspection exit meeting which was conducted by telephone on October 5, 2011, you indicated that you are currently gathering dosimetry records and will complete a thorough annual review of your radiation protection program in accordance with the guidance in NUREG 1556 Vol. 1, Rev. 1, Appendix F. You also stated that you would take actions to routinely verify compliance with the requirements and that you would schedule these compliance verifications on an electronic calendar. Finally, you stated that Fort Myer Construction Corporation is committed to radiation safety and to compliance with NRC regulations and licensed conditions.

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, we suggest that you review NRC Information Notice 96-28, "Suggested Guidance Relating to the Development and Implementation of Corrective Action," at the NRC website at www.nrc.gov; select Public Document Room; Document Collections; Generic Communications; then Information Notices."

Notice of Violation
Fort Myer Construction Corporation

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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, and your response, 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 and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Med, Ind, & Academic Uses**; 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 (Under 'Related Information')**. 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 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

Please contact Randolph Ragland at 610-337-5083 if you have any questions regarding this matter.

Sincerely,

Original signed by Blake Welling

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

Enclosure:
Notice of Violation

cc:
Kevin Schindele, Radiation Safety Officer
District of Columbia

C. Coppola

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Enclosure:
Notice of Violation

cc:
Kevin Schindele, Radiation Safety Officer
District of Columbia

Distribution:
D. J. Holody, RI

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SUNSI Review Complete: RRagland

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OFFICE	DNMS/RI	N	DNMS/RI	DNMS/RI		
NAME	RRagland RCR		BWelling BDW			
DATE	10/12/2011		10/12/2011			

NOTICE OF VIOLATION

Fort Myer Construction Corporation
Washington, DC

Docket No. 030-34012
License No. 08-30263-01

During an NRC inspection conducted on August 31, 2011 – October 5, 2011, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

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

Contrary to the above, Fort Myer Construction Corporation did not consistently (at least annually) review the radiation protection program content and implementation. Specifically, Fort Myer Construction Corporation did not review the radiation protection program content and implementation in the year 2009 and did not perform a complete review in 2010.

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

- B. 10 CFR 20.2106 (a), requires each licensee to maintain records of doses received by all individuals for whom monitoring was required pursuant to 10 CFR 20.1502, and 10 CFR 20.2106 (b) states that licensee's shall make entries of the records at least annually.

Contrary to this requirement, Fort Myer Construction Corporation did not consistently maintain records of radiation doses received by individuals at least annually. Specifically, Fort Myer did not maintain a record of doses received by Fort Myer Construction Corporation staff for the first quarter of 2010, and dosimetry records for several individual were not maintained for the 2nd and 3rd quarters of 2009.

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

Pursuant to the provisions of 10 CFR 2.201, Fort Myer Construction Corporation 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, 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, (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.

Notice of Violation 2
Fort Myer Construction Corporation

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. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

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

Dated This 12th day of October 2011