



FORT MYER CONSTRUCTION CORPORATION

2237 33rd Street, NE • Washington, DC 20018-1594 • (202) 636-9535 • FAX (202) 526-8572

November 17, 2011¹

United States Nuclear Regulatory Commission
Region I
Att: Mr. Randolph Ragland
475 Allendale Road
King of Prussia, Pennsylvania 19406-1415

L-2

030341012

Re: Reply to a Notice of Violation, License No. 08-30263-01

Dear Mr. Ragland:

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RECEIVED
REGION 1

I am writing to respond to the violations cited by the inspection report received by our office on October 12, 2011.

As a threshold matter, I would like to assure you that I have reviewed all elements of your inspection, including the violations, with individuals at the highest levels at Fort Myer Construction Corporation. The safety of our company is of the greatest importance to us, and I have been promised that all resources required to comply with and exceed the standards of the NRC will be provided to me. You have indicated that you can offer assistance to the company to reset our compliance program. I welcome your advice and guidance, and look forward to taking the appropriate steps with you to maintain compliance.

Violation 1

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 2011.

A. The reason for the violation:

Upon review of our records, this violation can be attributed to numerous changes in the staffing of asphalt plant personnel. In particular, the long-term director of plant operations died in February 2008. It has been difficult to replace him, due to his intimate familiarity with plant operations, especially in-depth knowledge of asphalt standards in

¹ Originally sent on November 6, 2011

Virginia, Maryland, District of Columbia and Federal projects. This turnover has proven to be a significant impediment to maintaining the records made subject of this violation. Following his death, there have been several personnel changes at the asphalt plants, which contributed to a lack of oversight concerning the record keeping requirements that must be maintained. As your records should indicate, during the last asphalt plant director's tenure, Fort Myer had uniformly complied with all NRC regulations in the past, such that this current issue should rightly be considered an aberration from precedent.

B. Corrective actions taken to avoid further violations.

On August 1st 2011, Fort Myer Construction Corporation hired George Martsoukos, an individual with Radiation Safety Officer training and experience. He will be assisting me with compliance duties to ensure our Radiation Safety Program conforms to NRC requirements.

C. The date when full compliance will be achieved.

On June 1 and December 1 of every year, Fort Myer Construction Corporation will review our entire radiation protection program with key principals of the staff, including our Corporation Accountability Officer, Associate General Counsel, Lead and Assistant Radiation Safety Officers and the principal Safety Director. Documentation of this review will be logged and maintained in the records of our program binder. Corrective actions will be taken immediately should a deficiency be noted at any time during the year.

Violation 2

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 the 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(s) were not maintained for the 2nd and 3rd quarters of 2009.

A. The reason for the violation.

Please see our response to Violation 1, Section A.

B. Corrective actions taken to avoid further violations.

There has been a concerted effort following the inspection to educate all relevant individuals on the importance and procedures for dosimetry record keeping. I have personally spoken to all such individuals and apprised them of their responsibilities. In

addition, all relevant individuals receive a new dosimeter within one week of receiving them from our supplier, Landauer. Thereafter, when quarterly dosage reports are received from Landauer, we will have the staff initial next to their name to validate they have reviewed the reports. These reports will be stored electronically, with hard copies kept in a secure program binder so that they will be available for ready review.

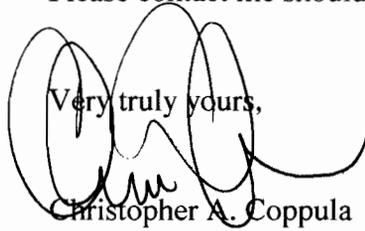
C. The date when full compliance will be achieved.

I have currently obtained all of the historical dosimetry reports available from Landauer dating back to 2008, which cures the deficiencies noted in the inspection.

Please see our response to Section B, which addresses our efforts to insure continued compliance.

I would like to reiterate our commitment to maintaining a safe environment. We understand that it is a privilege to be trusted to use nuclear material, and that privilege requires the highest regard for public safety. We welcome your assistance in achieving and exceeding our safety goals.

Please contact me should you wish to discuss these responses in greater detail.

Very truly yours,


Christopher A. Coppula
Associate General Counsel
Fort Myer Construction Corporation