



Phone: (617) 890-0600
Facsimile: (617) 890-0606
Email: info@jaycashman.com
Cashman Dredging and Marine Contracting CO., LLC.
549 South Street
P.O. Box 692396
Quincy, MA 02269

April 24, 2012

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555

Docket No. 03038398
License No. 20-31425-01

Subject: **Reply to a Notice of Violation**

Pursuant to the provisions of 10 CFR 2.201, Cashman Dredging International, LLC is 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).

The attached letter to Mr. Blake Welling addresses the violations asserted in Docket No. 03038398.

Please feel free to contact our RSO, Stewart J. Chandler on his cell phone at (781) 413-7510 or by e-mail at SChandler@jaycashman.com if you have any question or comments.

Best regards,

Frank J. Belesimo
Vice President
Cashman Dredging and Marine Contracting Company, LLC

CC:
Mr. William Dean U.S. NRC Region 1
Mr. Blake Welling U.S. NRC Region 1 (by email)
Mr. Craig Gordon U.S. NRC Region 1 (by email)

IE07
RGN1



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April 24, 2012

Blake Welling
Chief
Materials Security and Industrial Branch
Division of Nuclear Materials Safety
Region 1
475 Allendale Rd.
King of Prussia, Pennsylvania
19406-1415

Docket No. 03038398
License No. 20-31425-01

Subject: **Reply to a Notice of Violation**

Mr. Welling,

During the NRC inspection conducted on January 26, 2012 – March 7, 2012 two violations of the NRC requirements were identified. Cashman Dredging International (Cashman) is required to respond to these violations in written statement “clearly marked as- 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 violation, and (4) the date when full compliance will be achieved.

As required by the NRC, this letter serves as our written statement and is marked as “Reply to a Notice of Violation” in the Subject line. The violations and our responses are noted below:

Violation 1

Condition 16 A. of NRC License No. 20-31425-01 requires that each gauge shall be tested for the proper operation of the on-off mechanism (shutter) and indicator, if any, at intervals not to exceed 6 months or such longer intervals as specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission pursuant to CFR 32.210 or the equivalent regulations of an Agreement State.

Reason for Violation:

- Cashman was conducting shutter valve test on a yearly basis.

Corrective steps that have been taken and the results achieved:

- Cashman is now conducting shutter valve test every six months, with the last one done on January 26, 2012 and the next one is scheduled to occur on or about Monday July 23, 2012 not to exceed Thursday July 26, 2012

Corrective steps that will be taken to avoid further violation:

- The Shutter valve test dates are clearly marked on the operational calendar and a reminder memo will be sent from the RSO to the Project Manager one week before the test is due.

The date when full compliance will be achieved:

- Full Compliance was achieved January 27, 2012

Violation 2

10CFR 19.11(e)(1) requires the licensee post NRC Form 3 "Notice to Employees," dated August 1997; or within 30 days of receiving a revised version, later versions that supersedes the August 1997 form.

Reason for Violation:

- Cashman was unaware that NRC Form 3 "Notice to Employees" was missing.

Corrective steps that have been taken and the results achieved:

- Cashman has posted the form in a prominent place where it can be viewed by all employees work on the Atchafalaya.

Corrective steps that will be taken to avoid further violation:

- Confirmation that the form is posted in a prominent place where it can be viewed by all employees has been added to the yearly audit.

The date when full compliance will be achieved:

- Full Compliance was achieved on February 6, 2012.

Proof of compliance was submitted in our correspondence dated February 9, 2012 and is included as an enclosure to this letter (copy of the appropriate page in the ships log showing the shutter and gauge test successfully performed and a copy of the NRC Form 3 posted on the vessel).

In regards to Mr. Chandler coordination with the Commonwealth of Massachusetts, it has been determined that Cashman will need a license from the state of Massachusetts. Mr. Chandler is currently in the process of filing.

Cashman is committed to providing a safe work environment for all its employees and following all the appropriate rules and regulations outlined by the NRC and any agreement state we may be working in.

Please feel free to contact our RSO, Stewart J. Chandler on his cell phone at (781) 413-7510 or by e-mail at SChandler@jaycashman.com if you have any question or comments. You can reach me on my cell phone at any time at (504) 259-5390.

Best regards,



Frank J. Belesimo

Vice President

Cashman Dredging and Marine Contracting Company, LLC



NOTICE TO EMPLOYEES

STANDARDS FOR PROTECTION AGAINST RADIATION (PART 20); NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS (PART 19); EMPLOYEE PROTECTION

WHAT IS THE NUCLEAR REGULATORY COMMISSION?

The Nuclear Regulatory Commission is an independent Federal regulatory agency responsible for licensing and inspecting nuclear power plants and other commercial uses of radioactive materials.

WHAT DOES THE NRC DO?

The NRC's primary responsibility is to ensure that workers and the public are protected from unnecessary or excessive exposure to radiation and that nuclear facilities, including power plants, are constructed to high quality standards and operated in a safe and secure manner. The NRC does this by establishing requirements in Title 10 of the Code of Federal Regulations (10 CFR) and in licenses issued to nuclear users.

WHAT RESPONSIBILITY DOES MY EMPLOYER HAVE?

Any company that conducts activities licensed by the NRC must comply with the NRC's requirements. If a company violates NRC requirements, it can be fined or have its license modified, suspended or revoked.

Your employer must tell you which NRC radiation requirements apply to your work and must post NRC Notices of Violation involving radiological working conditions.

WHAT IS MY RESPONSIBILITY?

For your own protection and the protection of your co-workers, you should know how NRC requirements relate to your work and should follow them. If you observe violations of the requirements or have a safety concern, you should report them.

WHAT IF I CAUSE A VIOLATION?

If you engaged in deliberate misconduct that may cause a violation of the NRC requirements, or would have caused a violation if it had not been detected, or deliberately provided inaccurate or incomplete information to either the NRC or to your employer, you may be subject to enforcement action. If you report such a violation, the NRC will consider the circumstances surrounding your reporting in determining the appropriate enforcement action, if any.

HOW DO I REPORT VIOLATIONS AND SAFETY CONCERNS?

If you believe that violations of NRC rules or the terms of the license have occurred, or if you have a safety concern, you should report them immediately to your supervisor. You may report violations or safety concerns directly to the NRC. However, the NRC encourages you to raise your concerns with the licensee since the licensee has the primary responsibility for, and is most able to ensure, safe operation of nuclear facilities. If you choose to report your concern directly to the NRC, you may report it to an NRC in-

pector or call or write to the NRC Regional Office serving your area. If you send your concern in writing, it will assist the NRC in protecting your identity if you clearly indicate that you would like your concern to be considered by the NRC Allegation Program. The NRC's toll-free SAFETY HOTLINE for reporting safety concerns is listed below. The addresses for the NRC Regional Offices and the toll-free telephone numbers are also listed below. You can also e-mail safety concerns to NRC.Allegation@nrc.gov.

WHAT IF I WORK WITH RADIOACTIVE MATERIAL OR IN THE VICINITY OF A RADIOACTIVE SOURCE?

If you work with radioactive materials or near a radiation source, the amount of radiation exposure that you are permitted to receive may be limited by NRC regulations. The limits on exposure for workers at NRC licensed facilities whose duties involve exposure to radiation are contained in sections 20.1201, 20.1207, and 20.1208 of Title 10 of the Code of Federal Regulations (10 CFR 20) depending on the part of the regulations to which your employer is subject. While these are the maximum allowable limits, your employer should also keep your radiation exposure as far below those limits as is "reasonably achievable."

MAY I GET A RECORD OF MY RADIATION EXPOSURE?

Yes. Your employer is required to make available to you the information in your dose records (as maintained under the provisions of 10 CFR 20.2106). In addition your employer is required to provide you with an annual report of the dose you received in that monitoring year if the dose exceeds 100 millirem, or if you request an annual report.

HOW ARE VIOLATIONS OF NRC REQUIREMENTS IDENTIFIED?

NRC conducts regular inspections at licensed facilities to assure compliance with NRC requirements. In addition, your employer and site contractors may conduct their own inspections to assure compliance. All inspectors are protected by Federal law. Interference with them may result in criminal prosecution for a Federal offense.

MAY I TALK WITH AN NRC INSPECTOR?

Yes. NRC inspectors want to talk to you if you are worried about radiation safety or have other safety concerns about licensed activities, such as the quality of construction or operations at your facility. Your employer may not prevent you from talking with an inspector. The NRC will make all reasonable efforts to protect your identity where appropriate and possible.

MAY I REQUEST AN INSPECTION?

Yes. If you believe that your employer has not corrected violations involving radiological working conditions, you may request an inspection. Your request should be addressed to the nearest NRC Regional Office and must describe the alleged violation in detail. It must be signed by you or your representative.

HOW DO I CONTACT THE NRC?

Talk to an NRC inspector on-site or call or write to the nearest NRC Regional Office in your geographical area (see map below). If you call the NRC's toll-free SAFETY HOTLINE during normal business hours, your call will automatically be directed to the NRC Regional Office for your geographical area. If you call after normal business hours, your call will be directed to the NRC's Headquarters Operations Center, which is manned 24 hours a day. You can also e-mail safety concerns to NRC.Allegation@nrc.gov.

CAN I BE FIRED FOR RAISING A SAFETY CONCERN?

Federal law prohibits an employer from firing or otherwise discriminating against you for bringing safety concerns to the attention of your employer or the NRC. You may not be fired or discriminated against because you engage in certain protected activities, including but not limited to,

- asking the NRC to enforce its rules against your employer;
- refusing to engage in activities which violate NRC requirements;
- providing information or preparing to provide information to the NRC or your employer about violations of requirements or safety concerns; or
- asking for, or testifying, helping, or taking part in an NRC, Congressional, or any Federal or State proceeding.

WHAT FORMS OF DISCRIMINATION ARE PROHIBITED?

It is unlawful for an employer to fire you or discriminate against you with respect to pay, benefits, or working conditions because you help the NRC or raise a safety issue or otherwise engage in protected activities. Violations of Section 211 of the Energy Reorganization Act (ERA) of 1974 (42 U.S.C. 5851) include actions such as harassment, backbiting, and intimidation by employers of (i) employees who bring safety concerns directly to their employers or to the NRC; (ii) employees who have refused to engage in an unlawful practice, provided that the employee has identified the illegality to the employer; (iii) employees who have testified or are about to testify before Congress or in any Federal or State proceeding regarding any provision (or proposed provision) of the ERA or the Atomic Energy Act (AEA) of 1954; or (iv) employees who have commenced or caused to be commenced a proceeding for the administration or enforcement of any requirement imposed under the ERA or AEA or who have, or are about to, testify, assist, or participate in such a proceeding.

HOW DO I FILE A DISCRIMINATION COMPLAINT?

If you believe that you have been discriminated against for bringing violations or safety concerns to the NRC or your employer, you may file a complaint with the NRC, the U.S. Department of Labor (DOL), or appropriate state entities. If you desire a personal remedy, a complaint may be filed with the DOL pursuant to Section 211 of the ERA or with appropriate state enti-

ties. Your complaint to the DOL must describe in detail the basis for your belief that the employer discriminated against you on the basis of your protected activity, and it must be filed in writing either in person or by mail within 180 days of the date of the alleged discriminatory action or the date you received any notice, in writing or otherwise, of an adverse personnel action, whichever occurred first. Additional information is available at the DOL web site at www.osha.gov. Filing an allegation, complaint, or request for action with the NRC does not extend the requirement to file a complaint with the DOL within 180 days. To do so, you may contact the Allegation Coordinator in the appropriate NRC Region, as listed below, who will provide you with the address and telephone number of the correct OSHA Regional office to receive your complaint. You may also check your local telephone directory under the U.S. Government listings for the address and telephone number of the appropriate OSHA Regional office.

WHAT CAN THE DEPARTMENT OF LABOR DO?

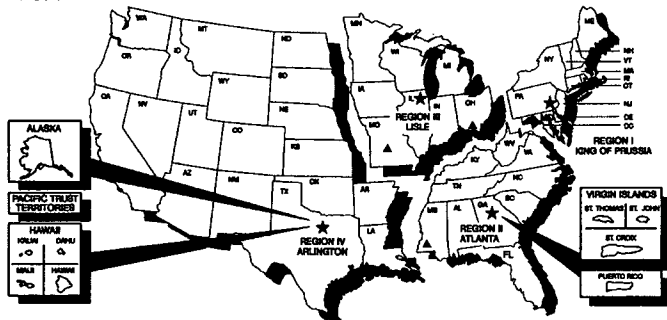
If your complaint involves a violation of Section 211 of the ERA by your employer, the DOL provides a process for obtaining a personal remedy. The DOL will notify your employer that a complaint has been filed and will investigate your complaint. If the DOL finds that your employer has unlawfully discriminated against you, it may order that you be reinstated, receive back pay, or be compensated for any injury suffered as a result of the discrimination and be paid attorney's fees and costs.

Relief will not be awarded to employees who engage in deliberate violations of the Energy Reorganization Act or the Atomic Energy Act.

WHAT WILL THE NRC DO?

The NRC will evaluate each allegation of harassment, intimidation, or discrimination to determine whether sufficient information is provided to initiate NRC involvement. To assist in this evaluation, an investigator from the NRC's Office of Investigations (OI) may interview you and gather any applicable documentation in your possession. If the NRC determines that the allegation falls within its purview, NRC's OI will initiate an investigation of your allegation of discrimination unless, prior to the initiation of such investigation, you choose to engage in mediation with your employer in an attempt to settle your allegation of discrimination. If a settlement is reached and the NRC is provided such agreement for review and finds it acceptable, the NRC will close your allegation of discrimination and will not perform an investigation. However, any settlement agreement between you and your employer on your discrimination claim will not impact, in any way, the resolution of the underlying technical issues or any other allegation you may have filed or will file with the NRC. Alternatively, if an acceptable settlement is not reached, NRC's OI will initiate an investigation.

If the NRC or the DOL finds that unlawful discrimination has occurred, the NRC may issue a Notice of Violation to your employer, impose a fine, or suspend, modify, or revoke your employer's NRC license.



▲ - Callaway Plant Site in Missouri and Grand Gulf Plant Site in Mississippi are under the purview of Region IV. The Portsmouth Gaseous Diffusion Plant in Ohio is under the purview of Region II.

UNITED STATES NUCLEAR REGULATORY COMMISSION REGIONAL OFFICE LOCATIONS

A representative of the Nuclear Regulatory Commission can be contacted by employees who wish to register complaints or concerns about radiological working conditions or other matters regarding compliance with Commission rules and regulations at the following addresses and telephone numbers.

REGIONAL OFFICES

REGION	ADDRESS	TELEPHONE
I	U.S. Nuclear Regulatory Commission, Region I 475 Allendale Road King of Prussia, PA 19406-1415	(800) 432-1156
II	U.S. Nuclear Regulatory Commission, Region II 245 Peachtree Center Avenue, N.E., Suite 1200 Atlanta, GA 30303-1257	(800) 577-8510
III	U.S. Nuclear Regulatory Commission, Region III 2443 Warrenville Road, Suite 210 Lisle, IL 60532-4352	(800) 522-3025
IV	U.S. Nuclear Regulatory Commission, Region IV 612 E. Lamar Blvd., Suite 400 Arlington, TX 76011-4125	(800) 952-9677

To report safety concerns or violations of NRC requirements by your employer,

telephone:

NRC SAFETY HOTLINE

1-800-695-7403

To report incidents involving fraud, waste, or abuse by an NRC employee or NRC contractor,

telephone:

OFFICE OF THE INSPECTOR GENERAL HOTLINE

1-800-233-3497

1-6-00 7-1-03 WIPE TEST DONE
SENT TO THERMO MEASURE TECH, Round Rock, TX
DAVID WALSH

7-3-04 WIPE TEST DONE
DAVID M. WALSH.

1-1-05 Wipe Test Done
DAVID WALSH ← B.S.

MATERIAL 7-3-05 Wipe Test Done
Bill Smith

1-1-06 WIPE TEST DONE, INSPECTED - OK
David M. Walsh

SENT 6-30-06 WIPE TEST DONE & INSPECTED OK. BS

1-1-07 WIPE TEST DONE & INSPECTED - OK - B.S.

J

J.

1-6-11 Wipe Test Done Annual Inspection - OK Jan
Leak Test

1-10-12 Wipe Test Done Annual Inspection - OK AB

1-26-12 Sulfur & Guage function Test Done
and Pass! TM

CASINO TECH

1-26-12 INVENTORY DONE, there is one
ENC Holland type 110 Reversely jaw on
Board. Serial 55-137 SN 329,00, 48/48

UGM

1-27-11 Aol. 1 at Possum Done De