



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION I  
2100 RENAISSANCE BOULEVARD, SUITE 100  
KING OF PRUSSIA, PENNSYLVANIA 19406-2713

February 15, 2013

Docket No. 03029427  
EA-13-017

License No. 47-24859-01

Jack Savage  
President  
Savage Construction Co., Inc.  
196 Peters Run Road  
Wheeling, WV 26003

SUBJECT: NRC INSPECTION REPORT NO. 03029427/2012001, SAVAGE  
CONSTRUCTION CO., INC., WHEELING, WEST VIRGINIA SITE

Dear Mr. Savage:

On October 19, 2012 - January 31, 2013, Craig Gordon of this office conducted a safety inspection at the above address of activities authorized by the above listed NRC license. 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. Additional information provided in your correspondence dated December 12, 2012, was also examined as part of the inspection. The findings were discussed with Mr. Tim Cunningham of your organization at the conclusion of the inspection on January 31, 2013. The enclosed report presents the results of this inspection.

Based on the results of this inspection, four apparent violations were identified and are described in Section II of the enclosed report. One is being considered for escalated enforcement action in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The apparent violation being considered for escalated enforcement involved the failure to use two independent controls to secure portable gauges from unauthorized removal whenever the gauges were not under control or constant surveillance, as required by 10 CFR 30.34(i). The circumstances surrounding these apparent violations, the significance of the issues, and the need for lasting and effective corrective actions were discussed with Mr. Cunningham during the inspection exit meeting at the conclusion of the inspection. As a result, it may not be necessary to conduct a predecisional enforcement conference (PEC) in order to enable the NRC to make an enforcement decision.

In addition, since your facility has not been the subject of escalated enforcement actions within the last 2 years, and based on our understanding of your corrective actions, a civil penalty may not be warranted in accordance with Section 2.3.4 of the Enforcement Policy.

Before the NRC makes its enforcement decision, we are providing you an opportunity to either (1) respond to the apparent violations addressed in this inspection report within 30 days of the date of this letter, or (2) request a PEC. If a PEC is held, it will be open for public observation and the NRC will issue a press release to announce the time and date of the conference. Should you decide to participate in a PEC, the conference will be held within 30 days of the date of this letter. Please contact Mr. Blake Welling at (610) 337-5205 within 10 days of the date of this letter, to inform us of your decision.

If you choose to provide a written response, it should be clearly marked as a "Response to Apparent Violation in Inspection Report No. 03029427/2012001, EA-13-017" and should include for each apparent violation: (1) the reason for the apparent violation, or, if contested, the basis for disputing the apparent 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 previously docketed correspondence, if the correspondence adequately addresses the required response. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a PEC.

If you choose to request a PEC, the conference will afford you the opportunity to provide your perspective on the apparent violation and any other information that you believe the NRC should take into consideration before making an enforcement decision. The topics discussed during the conference may include the following: information to determine whether a violation occurred, information to determine the significance of a violation, information related to the identification of a violation, and information related to any corrective actions taken or planned to be taken. In presenting your corrective actions, you should be aware that the promptness and comprehensiveness of your actions will be considered in assessing any civil penalty for the apparent violation(s). In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

Current NRC regulations and guidance are included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. 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). 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's Agencywide Documents Access and Management

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System (ADAMS), accessible from the NRC Web site 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.

Sincerely,

**/RA/**

Raymond K. Lorson, Director  
Division of Nuclear Materials Safety

Enclosure:  
Inspection Report No. 03029427/2012001

cc:  
Timothy Cunningham, Radiation Safety Officer  
State of West Virginia

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Sincerely,

**/RA/**

Raymond K. Lorson, Director  
Division of Nuclear Materials Safety

Enclosure:  
Inspection Report No. 03029427/2012001

cc:  
Timothy Cunningham, Radiation Safety Officer  
State of West Virginia

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