



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

March 24, 2015

Docket No. 03036501

License No. 37-30880-01

Stephen Rihel
Corporate Safety Director
Brayman Construction Corporation
1000 John Roebling Way
Saxonburg, PA 16056

SUBJECT: NRC INSPECTION REPORT NO. 03036501/2014001, BRAYMAN
CONSTRUCTION CORPORATION, HINTON, WEST VIRGINIA SITE AND
NOTICE OF VIOLATION

Dear Mr. Rihel:

On December 18, 2014, Steven Courtemanche of this office conducted a safety inspection at 406 Riverside Drive, Hinton, West Virginia with continued in-office review through March 19, 2015. 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 correspondence from your office received December 24, 2014, was also examined as part of the inspection. The findings of the inspection were discussed with you at the conclusion of the inspection by telephone on March 19, 2015.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that three Severity Level IV violations of NRC requirements occurred. The violations involved: 1) the failure to request an amendment to the license when the Radiation Safety Officer (RSO) left the employ of the licensee and ceased performing his functions as the RSO; 2) the failure to account for a Thermo MeasureTech gauge while performing physical inventories of all devices and/or sources possessed under the license; and 3) the failure to complete the daily use log for portable gauges when the gauges are returned to storage.

The violations are cited in the enclosed Notice of Violation (Notice), because the violations were identified by the NRC. The failure to request an amendment to the license when the RSO left the employ of the licensee and ceased performing his functions as the RSO is categorized as a Severity Level IV violation because the individual who succeeded the named RSO and performed the functions of the RSO, but was not named on the license, was qualified to perform the functions of the RSO. You are required to respond to this letter within 30 days and should follow the instructions specified in the enclosed Notice when preparing your response.

During our inspection exit meeting on March 19, 2015, you indicated that Brayman Construction Corporation is committed to radiation safety and to compliance with NRC regulations and licensed conditions. Further, you stated that you have taken the following corrective and preventative actions:

1. The Corporate Safety Director will submit an amendment to name a replacement Radiation Safety Officer. In the future, management will ensure that requests would be made in a more timely manner;
2. The Corporate Safety Director has added the Thermo MeasureTech gauge to the physical inventory record and site personnel will verify that an accounting of all devices in their possession is made; and
3. The Corporate Safety Director will conduct training to all personnel about their responsibility to completely fill out the daily use log when removing devices from storage and when returning the devices to the storage room. The Corporate Safety Director stated that a designated onsite employee will review the daily use log on a periodic basis to ensure that devices are signed back in.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), 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 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 Steven Courtemanche at 610-337-5075 if you have any questions regarding this matter.

Sincerely,

/RA/

Blake Welling, Chief
Commercial, Industrial, R&D and Academic
Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc: Commonwealth of Pennsylvania

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2. The Corporate Safety Director has added the Thermo MeasureTech gauge to the physical Inventory record and site personnel will verify that an accounting of all devices in their possession is made; and
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Sincerely,
/RA/
 Blake Welling, Chief
 Commercial, Industrial, R&D and Academic
 Branch
 Division of Nuclear Materials Safety

Enclosure:
 Notice of Violation
 cc: Commonwealth of Pennsylvania

Distribution:
 B. Bickett, RI

DOCUMENT NAME: G:\WordDocs\Current\Insp Letter\L37-30880-01.2014001.doc **ML15084A100**

SUNSI Review Complete: SCourtemanche After declaring this document "An Official Agency Record" it will be released to the Public. To receive a copy of this document, indicate in the box: "C" = Copy w/o attach/encl "E" = Copy w/ attach/encl "N" = No copy

OFFICE	DNMS/RI	N	DNMS/RI	DNMS/RI		
NAME	SCourtemanche/src		BWelling/bw			
DATE	3/24/15		3/24/15			

NOTICE OF VIOLATION

Brayman Construction Corporation
Saxonburg, PA

Docket No. 03036501
License No. 37-30880-01

During an NRC inspection conducted on December 18, 2015, with continuing in-office review through March 19, 2015, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. License Condition 12 of NRC License Number 37-30880-01 requires that Jeremy Walls be the Radiation Safety Officer (RSO) for the license.

Contrary to the above, as of January 8, 2015, Jeremy Walls was not the RSO for the license. Specifically, Jeremy Walls left the employ of the licensee on January 8, 2015, and the licensee did not submit an amendment to the license naming a replacement RSO.

This is a Severity Level IV violation (Enforcement Policy Section 6.3).

- B. License Condition 15 of NRC License Number 37-30880-01 requires, in part, that the licensee conduct a physical inventory to account for all sources and/or devices received and possessed under the license.

Contrary to the above, as of December 18, 2014, the licensee did not conduct a physical inventory to account for all sources and/or devices received and possessed under the license. Specifically, the physical inventories did not account for a Thermo MeasureTech Model 5190 gauge which was acquired in early 2012.

This is a Severity Level IV violation (Enforcement Policy Section 6.3).

- C. License Condition 26 of NRC License Number 37-30880-01 requires, in part, that the licensee conduct its program in accordance with the statements, representations, and procedures contained in the application dated February 5, 2014.

Item 10 of the application requires, in part, that the licensee implement and maintain the operating and emergency procedures in Appendix H of NUREG-1556, Volume 1, Revision 1.

Appendix H, "Operating Procedures," of NUREG-1556, Vol. 1, Rev. 1, requires, in part, that the licensee log the gauge into the daily use log when the gauge is returned to storage.

Contrary to the above, on December 17 and 31, 2013, the licensee did not log the gauge into the daily use log when the gauge was returned to storage.

This is a Severity Level IV violation (Enforcement Policy Section 6.3).

Notice of Violation
Brayman Construction Corporation

2

Pursuant to the provisions of 10 CFR 2.201, Brayman 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.

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 24 day of March 2015