

JAN 22 1992

Docket No. 030-31690

License No. 37-28518-01

Michael Baker, Jr., Incorporated  
ATTN: G. John Kurgan  
Vice President  
4301 Dutch Ridge Road  
Beaver, Pennsylvania 15009

Dear Mr. Kurgan:

Subject: Routine Inspection No. 030-31690/91-001

On December 20, 1991, Mr. R. Gibson, Jr. of this office conducted a routine 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. The findings of the inspection were discussed with Mr. Larry K. McKinney, Project Manager at the conclusion of the inspection.

Based on the results of this inspection, it appears that your activities were not conducted in full compliance with NRC requirements. A Notice of Violation is enclosed as Appendix A and categorizes each violation by Severity Level in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (Enforcement Policy). You are required to respond to this letter and in preparing your response, you should follow the instructions in Appendix A. You are reminded that NRC requires such changes in your licensed program to be reported to NRC prior to implementation of the changes to your licensed activities.

During this inspection, we noted that you shipped one of your nuclear gauges to your Chicago, Illinois office on May 3, 1989. Such action requires prior notice and approval of the State of Illinois by Agreement with the NRC. By copy of this letter we are notifying the State of this transfer for their review.

Please use the enclosed self-addressed green envelope when you respond to this letter to assist us in the timely processing of your response.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and your reply will be placed in the Public Document Room.

The responses directed by this letter and the accompanying Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

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Michael Baker, Jr., Incorporated

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Your cooperation with us is appreciated.

Sincerely,

Original Signed By:  
Paul D. Swetland

Paul D. Swetland, Chief  
Industrial Applications Section  
Division of Radiation Safety  
and Safeguards

Enclosure: Appendix A, Notice of Violation

cc:  
Public Document Room (PDR)  
Nuclear Safety Information Center (NSIC)  
Commonwealth of Pennsylvania  
State of Illinois

bcc:  
Region I Docket Room (w/concurrences)  
Management Assistant, DRMA  
J. McGrath, ORA:RI

*for*  
RI:DRSS  
Gibson

1/22/92

*PS*  
RI:DRSS  
Swetland

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\* \*

*see  
attached*

APPENDIX A

NOTICE OF VIOLATION

Michael Baker, Jr., Inc.  
Beaver, Pennsylvania 15009

Docket No. 030-31690  
License No. 37-28518-01

As a result of the inspection conducted on December 20, 1991, and in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (Enforcement Policy) (1990), the following violation was identified:

- A. Condition 11(B) of License No. 37-28518-01 requires David K. Saylor to be the Radiation Safety Officer for the license.

Contrary to the above, as of December 20, 1991, David K. Saylor had left the company in July of 1991, and the license had not been amended to specify the individual who was acting as the Radiation Safety Officer.

This is a Severity Level IV Violation. (Supplement VI)

Pursuant to the provisions of 10 CFR 2.201, Michael Baker, Jr., Inc. is hereby required to submit to this office within thirty days of the date of the letter which transmitted this Notice, a written statement or explanation in reply, including: (1) the corrective steps which have been taken and the results achieved; (2) corrective steps which will be taken to avoid further violations; and (3) the date when full compliance will be achieved. Where good cause is shown, consideration will be given to extending this response time.

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