



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION I  
2100 RENAISSANCE BLVD.  
KING OF PRUSSIA, PA 19406-2713**

October 18, 2018

Mike C. Koelbl, Vice President  
Kokosing Construction Company, Inc.  
South Charleston Office  
5725 Kanawha Turnpike, SW  
South Charleston, WV 25309

**SUBJECT: KOKOSING CONSTRUCTION COMPANY, INC. - NRC INSPECTION NO.  
03032573/2018001 AND NOTICE OF VIOLATION**

Dear Mr. Koelbl:

This letter refers to the inspection conducted on August 28, 2018, at the temporary job site location at Kerens, West Virginia with continuing in-office review through October 11, 2018. This inspection examined activities conducted under your license as they relate to public health and safety, and to confirm compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of how licensed material was stored at the temporary job site location, the shipping papers, and required postings. On October 11, 2018, an exit meeting was conducted by telephone between yourself and Steven Courtemanche of this office informing you of the findings of the inspection.

Based on the results of this inspection, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation is cited in the enclosed Notice of Violation (Notice) because the violation was identified by the NRC.

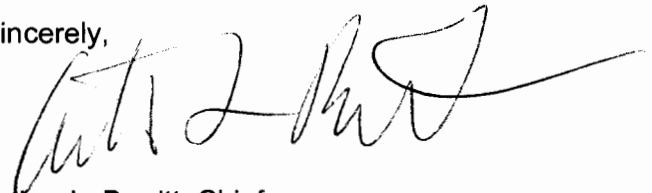
The NRC has concluded that information regarding: (1) the reason for the violation; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket and include: prior to the inspector leaving the temporary job site location, a second, independent means of securing the gauge from unauthorized removal was applied to the portable gauge so that two tangible barriers would be in place if the door to the Sea/Land container controlled by another licensee was opened when personnel from Kokosing Construction Company, Inc. were not present. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter 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 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.

If you have any questions regarding this matter, please contact Steven Courtemanche of my staff at (610) 337-5075 or via electronic mail at [Steven.Courtemanche@nrc.gov](mailto:Steven.Courtemanche@nrc.gov).

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arthur L. Burritt', with a long horizontal flourish extending to the right.

Arthur L. Burritt, Chief  
Commercial, Industrial, R&D  
and Academic Branch  
Division of Nuclear Materials Safety  
Region I

Docket No. 03032573  
License No. 47-25178-01

Enclosure:  
Notice of Violation

cc w/ enclosure:  
John C. Kingsbury, Radiation Safety Officer  
State of West Virginia

KOKOSING CONSTRUCTION COMPANY, INC. – NRC INSPECTION NO. 03032573/2018001  
AND NOTICE OF VIOLATION DATED OCTOBER 18, 2018

DISTRIBUTION:  
B. Bickett, RI

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**SUNSI Review Complete: Steven Courtemanche**

After declaring this document "An Official Agency Record" it **will** be released to the Public.

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OFFICE	RI:DNMS	RI DNMS					
NAME	SCourtemanche/src	ABurritt/alb					
DATE	10/18/18	10/18/18					

OFFICIAL RECORD COPY

## **NOTICE OF VIOLATION**

Kokosing Construction Company, Inc.  
South Charleston, West Virginia

Docket No. 03032573  
License No. 47-25178-01

During an NRC inspection conducted on August 28, 2018, with continuing in-office review through October 11, 2018, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 30.34(i) requires that each portable gauge licensee use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.

Contrary to the above, as of August 28, 2018, the licensee failed to use a minimum of two independent physical controls that formed tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges were not under the control and constant surveillance of the licensee. Specifically, the licensee (Kokosing) stored its portable gauge in a Sea/Land container controlled by another licensee where it also stored its portable gauges. All of the portable gauges were secured to the Sea/Land container by means of a chain and lock to separate eyebolts. The door to the Sea/Land container was kept locked when the portable gauges were not needed and formed the second barrier against unauthorized removal of the portable gauges. Whenever Kokosing needed its portable gauge, a representative of the other licensee was present to open the Sea/Land container to maintain control and constant surveillance of its portable gauges; however, when the other licensee needed its portable gauges, a representative of Kokosing was not present to maintain control and constant surveillance of Kokosing's portable gauge.

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

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance will be achieved is already adequately addressed on the docket. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it 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).

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.

Notice of Violation  
Kokosing Construction Company, Inc.

2

Your response, if you choose to make one, 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 18th day of October 2018