



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

October 1, 2020

EA-20-106

Brian Barninger, Principal  
BEL Environmental Engineering, LLC  
8500 Station Street  
Suite 100  
Mentor, Ohio 44060

SUBJECT: BEL Environmental Engineering, LLC - NRC INSPECTION NO. 030-39185/2020-001 AND NOTICE OF VIOLATION

Dear Mr. Barninger:

This letter refers to the inspection conducted from July 8 to August 11, 2020, remotely. 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 procedures and representative records, observations of activities, and interviews with personnel.

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 violation involved a failure to maintain an authorized individual on your NRC license to fulfill the duties and responsibilities of Radiation Safety Officer (RSO). Specifically, after the RSO named on your license left your employment, you did not submit an amendment request to name a new RSO on the license until you were prompted to do so by the NRC. 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.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response 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 Steve Shaffer of my staff at 610-337-5225 or via electronic mail at [Steve.Shaffer@nrc.gov](mailto:Steve.Shaffer@nrc.gov).

Thank you for your cooperation.

Sincerely,

Christopher Cahill, Chief  
Commercial, Industrial, R&D  
and Academic Branch  
Division of Nuclear Materials Safety  
Region I

Docket No. 030-39185  
License No. 37-35558-01

Enclosure:  
Notice of Violation

cc w/Encl: Jared DiGello, Radiation Safety Officer

BEL Environmental Engineering, LLC - NRC INSPECTION NO. 030-39185/2020-001 AND  
NOTICE OF VIOLATION DATED OCTOBER 1, 2020

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OFFICE	RI DNMS	RI Enforcement	RI:DNMS		
NAME	SShaffer	MMcLaughlin	CCahill		
DATE	09/30/2020	9/30/2020	10/1/2020		

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## **NOTICE OF VIOLATION**

BEL Environmental Engineering, LLC  
Mentor, Ohio

Docket No. 030-39185  
License No. 37-35558-01  
EA-20-106

During an NRC inspection conducted from July 8 to August 11, 2020, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

License Condition 11 of NRC License No. 37-35558-01, dated July 29, 2019, authorizes a specific individual to fulfill the duties and responsibilities of the Radiation Safety Officer (RSO) for the license.

Contrary to the above, from January 1, 2020 to July 22, 2020, the individual authorized in Condition 11 of the license did not fulfill the duties and responsibilities of RSO for the license. Specifically, the RSO named on the license left the employment of the licensee on January 1, 2020, and BEL Environmental Engineering, LLC did not submit an amendment request to name a new RSO until July 22, 2020.

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

Pursuant to the provisions of 10 CFR 2.201, BEL Environmental Engineering, LLC 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, EA-20-106" 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 from the Publicly Available Records component of Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at: <http://www.nrc.gov/reading-rm/adams.html>. 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 1st day of October 2020