



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

August 26, 2015

Docket No. 03033635

License No. 45-15200-04

Douglas Smith
President
Soil Consultants, Inc.
9303 Center Street (3rd Floor)
Manassas, VA 20110

SUBJECT: NRC INSPECTION REPORT NO. 03033635/2015001, SOIL CONSULTANTS, INC., MANASSAS, VIRGINIA SITE AND NOTICE OF VIOLATION

Dear Mr. Smith:

On July 28, 2015, through August 26, 2015, Michael Reichard 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. The findings of the inspection were discussed with you at the conclusion of the inspection.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation involved a failure to obtain an amendment for a change in the Radiation Safety Officer.

The violation is cited in the enclosed Notice of Violation (Notice), because the violation was identified by the NRC.

We received an amendment request from you on August 25, 2015, requesting a change in Radiation Safety Officer. During our inspection exit meeting on August 26, 2015, you stated that Soil Consultants, Inc. is committed to radiation safety and to compliance with NRC regulations and licensed conditions.

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 is already adequately addressed. Therefore, you are not required to respond to this letter unless the description of your corrective actions in this letter 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, 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.

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's expectations for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

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 Michael Reichard at 610-337-6945 if you have any questions regarding this matter.

Sincerely,

/RA T Jackson f/

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

Enclosure:

1. Notice of Violation
2. Inspection Report No. 03033635/2015001

cc:

Joseph E. Barneau, Radiation Safety Officer
Commonwealth of Virginia

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.

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's expectations for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

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 Michael Reichard at 610-337-6945 if you have any questions regarding this matter.

Sincerely,

/RA T Jackson f/

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

Enclosure:

1. Notice of Violation
2. Inspection Report No. 03033635/2015001

cc:

Joseph E. Barneau, Radiation Safety Officer
Commonwealth of Virginia

DOCUMENT NAME: G:\WordDocs\Current\Insp Letter\L45-15200-04.2015001.doc Wednesday, August 26, 2015 10:24:20 AM

SUNSI Review Complete: MReichard

ML15239A653

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 | N | DNMS/RI | | | |
| NAME | MReichard\mr | | BWelling\tjj f | | | | | |
| DATE | 8/26/15 | | 8/26/15 | | | | | |

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Soil Consultants, Inc.
Manassas, VA

Docket No. 03033635
License No. 45-15200-04

During an NRC inspection conducted on July 28, 2015, through August 26, 2015, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

- A. License Condition 12 of NRC License No. 45-15200-04, requires, in part, that the Radiation Safety Officer for this license is Dan Lyons.

Contrary to the above, from April 28, 2015, until July 28, 2015, Dan Lyons was not the Radiation Safety Officer for this license. Specifically, Dan Lyons' last day of employment with Soil Consultants was April 28, 2015. At the time of the inspection, initiated on July 28, 2015, an amendment request had not been submitted to the NRC, requesting a change in Radiation Safety Officer.

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 was 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.

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 26 day of August 2015

U.S. NUCLEAR REGULATORY COMMISSION
REGION I

INSPECTION REPORT

Inspection No. 03033635/2015001

Docket No. 03033635

License No. 45-15200-04

Licensee: Soil Consultants, Inc.

Location: 9303 Center Street (3rd Floor)
Manassas, Virginia 20110

Inspection Dates: July 28 through August 26, 2015

/RA/

8/26/2015

Inspector:

Michael Reichard
Health Physicist
Commercial, Industrial, R&D and Academic Branch
Division of Nuclear Materials Safety

date

/RA T Jackson f/

8/26/2015

Approved By:

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

date

EXECUTIVE SUMMARY

Soil Consultants, Inc.
NRC Inspection Report No. 03033635/2015001

Soil Consultants, Inc. is licensed by the Nuclear Regulatory Commission to use portable nuclear density gauges in NRC jurisdiction. During the on-site inspection, conducted on July 28 and 29, 2015, one Severity Level IV violation was identified. The violation was a failure to obtain an amendment for a change in Radiation Safety Officer (RSO). The former RSO was no longer employed by Soil Consultants, Inc. on April 28, 2015. A license amendment request for a change in RSO was submitted to the Commonwealth of Virginia on May 28, 2015, but the license did not send an amendment request to the NRC. The NRC received an amendment request from the licensee on August 25, 2015, requesting a change of RSO. The proposed RSO has the required training and experience, has been performing the duties of RSO, and has been approved as an RSO on Soil Consultants, Inc.'s Virginia license.

Two previous violations were reviewed and closed.

The first previous violation cited a failure to periodically review (at least annually) the radiation protection program content and implementation, which is required by 10 CFR 20.1101(c). During this follow-up inspection, the inspector reviewed the licensee's program audits that were performed on November 14, 2014, and April 21, 2015. The audits comprehensively reviewed the radiation protection program content and implementation more frequently than annually.

The second previous violation resulted from a failure to provide operating and emergency procedures to each gauge user at each job site, which is required by Condition 19 of NRC License No. 45-15200-04. During this follow-up inspection, the inspector reviewed an updated document package that each authorized user must take with them to temporary job sites. In addition to transportation documentation, the package includes copies of the operating and emergency procedures.

REPORT DETAILS

1. Organization and Management Oversight

a. Inspection Scope

The inspector reviewed the licensee's organization and management oversight through interviews of applicable staff and a review of applicable records from 2013 until the time of the inspection.

b. Observations and Findings

Soil Consultants, Inc. is a portable nuclear density gauge licensee, based out of Manassas, Virginia. They occasionally work in NRC jurisdiction in Washington D.C. or at federal facilities. The only time the licensee worked in NRC jurisdiction since 2013 was from April 16, 2015, through May 8, 2015, at Fort Meade, an Army installation in Maryland.

At the time of the onsite inspection, the Radiation Safety Officer (RSO) listed on the license was no longer employed by Soil Consultants, Inc. The president of the company, a previously approved RSO, assumed the responsibilities of acting RSO on April 28, 2015, the date that the former RSO ended employment with Soil Consultants, Inc. A different employee was trained to become RSO and assumed the responsibilities of RSO on or around May 28, 2015. The inspector determined that this individual was qualified for the position. An amendment request for a change of RSO was submitted and approved by the Commonwealth of Virginia. A similar request was not submitted to the NRC. This is a violation of NRC requirements.

c. Conclusions

One Severity Level IV violation was identified.

License Condition 12 of NRC License No. 45-15200-04, requires, in part that the Radiation Safety Officer for this license is Dan Lyons.

Contrary to the above, from April 28, 2015, until July 28, 2015, Dan Lyons was not the Radiation Safety Officer for this license. Specifically, Soil Consultants, Inc. ended employment of Dan Lyons on April 28, 2015. At the time of the inspection, conducted on July 28, 2015, an amendment request had not been submitted to the NRC, requesting a change of RSO.

The licensee submitted an amendment request for a change in RSO that was received on August 25, 2015.

2. Facilities and Equipment

a. Inspection Scope

The licensee does not have any facilities in NRC jurisdiction. The inspector reviewed the licensee's equipment through direct observation, interviews of applicable staff, and a review of records. The inspector specifically reviewed three gauges used in NRC jurisdiction from April 16, 2015, through May 8, 2015.

b. Observations and Findings

Three gauges were used in NRC jurisdiction, denoted by the licensee as gauges 24, 28, and 34. The inspector reviewed the leak test records for these three gauges during the time that they were used in NRC jurisdiction. All three were properly leak tested prior to use in NRC jurisdiction.

The inspector observed several gauges in storage at the licensee's facility. The gauges were properly marked and labeled. The gauges were in good condition.

The licensee possessed two radiation detection instruments. Both were properly calibrated at the time of use in NRC jurisdiction. Additionally, the licensee has a contract with a service provider that can perform surveys for the licensee when needed.

c. Conclusions

No violations were identified.

3. Material Receipt, Use, Transfer, and Control

a. Inspection Scope

Material has not been received or transferred to or from NRC jurisdiction. The inspector reviewed use and control in NRC jurisdiction through interview with applicable staff and a review of the licensee's operating and emergency procedures and utilization logs.

b. Observations and Findings

During the previous inspection, one of the violations identified was a failure to provide operating and emergency procedures consistent with Appendix H of NUREG-1556, Vol. 1, Rev. 1 to each authorized user at each location.

At the time of this inspection, conducted on July 28-29, 2015, the inspector observed documentation packages that are given to each authorized user to take with them to temporary job sites. Each package, among other documents, included a current copy of the operating and emergency procedures. The inspector confirmed that this satisfied the licensee's corrective action commitments, and closed the violation.

No temporary job sites were available at the time of the inspection. The inspector

identified use at temporary job sites in NRC jurisdiction by reviewing the licensee's utilization logs. Through interviews, the inspector reviewed use and control at temporary job sites in NRC jurisdiction. The inspector confirmed that the authorized users were knowledgeable with respect to safe use and proper securing of gauges at temporary job sites. The inspector confirmed that authorized users possessed operating and emergency procedures at temporary job sites. The inspector confirmed that the utilization logs were being used in accordance with applicable regulatory requirements.

c. Conclusions

No violations were identified. One previous violation was closed.

4. Training of Workers

a. Inspection Scope

The inspector reviewed the training of authorized users through records reviews and interviews.

b. Observations and Findings

Three individuals worked in NRC jurisdiction from April 16, 2015, through May 8, 2015. The inspector confirmed that these individuals were properly trained at the time of the inspection. Specifically, the inspector reviewed their initial radiation safety training and most recent Hazmat refresher training. The training for all three individuals was current and complete. More generally, the inspector reviewed the training tracking methods of Soil Consultants, Inc. and found that they were appropriately tracking worker training.

c. Conclusions

No violations were identified.

5. Radiation Protection

a. Inspection Scope

The inspector reviewed the licensee's radiation protection program through interviews and a review of applicable records.

b. Observations and Findings

During the previous inspection a violation was identified for failing to perform audits of the licensee's radiation protection program content and implementation, at least annually. During this inspection, conducted on July 28-29, 2015, the inspector reviewed the licensee's audits conducted on November 14, 2014, and April 21, 2015. The audits comprehensively reviewed the radiation protection program content and implementation more frequently than annually. The inspector confirmed that these actions satisfied the corrective action commitments of the licensee. This violation was closed.

The inspector reviewed the licensee's dosimetry records. The records showed that exposures to the licensee's employees were within allowable limits. The inspector reviewed dosimetry use with one authorized user and found that he was familiar with proper dosimetry use.

c. Conclusions

No violations were identified. One previous violation was closed.

6. Posting and Labeling

a. Inspection Scope

The licensee does not have a storage location in NRC jurisdiction. The inspector reviewed the posting of NRC Form 3 and gauge markings by direct observation.

b. Observations and Findings

The inspector observed that the NRC Form 3 was conspicuously posted. The inspector observed the markings on the gauges and transportation cases and found that they met the applicable requirements.

c. Conclusions

No violations were identified.

7. Transportation

a. Inspection Scope

No gauges were being transported in NRC jurisdiction at the time of the inspection. The inspector reviewed applicable requirements through interviews and a records review.

b. Observations and Findings

The licensee explained how they secure and brace gauges during transport. The licensee's explanation met applicable requirements. The inspector reviewed the licensee's transportation documentation. The inspector determined that the licensee met the applicable regulatory requirements.

c. Conclusions

No violations were identified.

8. Exit Meeting

On August 26, 2015, an exit meeting was held by telephone to discuss the violation and findings. The licensee acknowledged the inspector's findings.

PARTIAL LIST OF PERSONS CONTACTED

Licensee

*^# Douglas Smith, President

*^ Joseph E. Barbeau, Jr., Proposed Radiation Safety Officer/Safety Manager

Present at Entrance Meeting on July 28, 2015

^ Present at Preliminary Exit Meeting on July 29, 2015

* Present at Exit Meeting on August 26, 2015