



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

January 13, 2017

Docket No. 03012341

License No. 45-17195-01

K. Scott Keim
Sr. Principal & Cardno Mining
Sr. Vice President
Cardno, Inc.
534 Industrial Park Road
Bluefield, VA 24605-0848

SUBJECT: NRC INSPECTION REPORT NO. 03012341/2016001, CARDNO, INC.,
BLUEFIELD, VIRGINIA SITE AND NOTICE OF VIOLATION

Dear Mr. Keim:

On December 12, 2016, Dennis Lawyer of this office conducted a safety inspection at the above address and at 128 Harper Court, Beckley, West Virginia, and on December 14, 2016, at a temporary job site near Tallmansville Road, Tallmansville, West Virginia. 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 the telephone conversation on December 21, 2016, between Justin Douthat of your organization and this office was also examined as part of the inspection. The findings of the inspection were discussed with Mr. Douthat 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 the failure to provide two independent barriers while a gauge was unattended. The violation is cited in the enclosed Notice of Violation (Notice), because the violation was identified by the NRC.

During our inspection exit meeting on December 21, 2016, you indicated that you have taken corrective and preventative actions to address this violation and that Cardno, Inc. is committed to radiation safety and to compliance with NRC regulations and licensed conditions. Corrective action was taken by implementing a second independent barrier on the gauge case. Preventative actions will include performing refresher training with gauge authorized users concerning the requirements of a second independent barrier by December 31, 2016.

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 in our records. 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, 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).

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.

Please contact Dennis Lawyer at 610-337-5366 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 w/Encl: Justin Douthat, P.E., Radiation Safety Officer
Commonwealth of Virginia

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Commercial, Industrial, R&D
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Enclosure:

Notice of Violation

cc w/Encl: Justin Douthat, P.E., Radiation Safety Officer
Commonwealth of Virginia

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B. Bickett, RI

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NAME	DLawyer/dl*		BWelling/bdw				
DATE	12/28/16		01/13/17				

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NOTICE OF VIOLATION

Cardno, Inc.
Bluefield, VA

Docket No. 03012341
License No. 45-17195-01

During an NRC inspection conducted on December 12, 2016, December 14, 2016, and December 21, 2016, 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, on December 7, 2016, the licensee did not use a minimum of two independent physical controls to form tangible barriers to secure portable gauges from unauthorized removal whenever gauges were not under the control and constant surveillance of the licensee. Specifically, the licensee's portable gauge was stored in the back of his truck with only one tangible barrier to secure the portable gauge from unauthorized removal and the gauge was not under the control and constant surveillance of the licensee.

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.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Notice of Violation
Cardno, Inc.

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In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated This 13th day of January 2017.