

November 26, 2003

EA-03-210

Soil Consultants, Inc.
ATTN: Mr. Joseph W. Dixon, President
9303 Center Street
Manassas, Virginia 20110-5547

SUBJECT: EMPLOYEES' RIGHTS TO CONTACT THE NRC

Dear Mr. Dixon:

On August 11 and 12, 2003, the NRC conducted an inspection at your Manassas and Fredricksburg, Virginia facilities to review activities conducted under your NRC license. In addition, the NRC Office of Investigations has initiated an investigation of some of the issues reviewed during the inspection, and has interviewed you as part of that investigation. During the referenced interview, you acknowledged asking a company employee if the individual had raised certain concerns with the NRC. You also stated that you told the individual that it was fine if the individual needed to call someone, but you also reminded the individual of the obligation to inform company representatives so that any immediate concerns could be addressed.

The NRC does not take issue with a company's need to be made aware of problems associated with its licensed activities, especially any problems that could present an immediate impact to the health and safety of its workers or members of the public. However, knowing whether a particular employee raised a concern with the NRC is not necessary for the company to carry out its responsibilities. In fact, specifically asking employees if they have raised any concerns to the NRC, could chill those employees, as well as other employees who became aware of such questioning, from raising concerns to the NRC in the future. Federal law specifically prohibits discrimination against employees for raising safety issues to the NRC or otherwise engaging in protected activities.

Based, in part, on the above, the NRC is concerned that a chilling effect may exist that could inhibit safety issues from being brought forward by your staff. Accordingly, we request that you provide this office, within 30 days of the date of this letter, a response in writing and under oath or affirmation that describes **the actions you have already taken or plan to take to assure that this matter is not having a chilling effect on the willingness of your employees to raise safety and compliance concerns within your organization and, as discussed in NRC Form 3, to the NRC.**

We recognize that you may not believe that anything unlawful has occurred. Regardless, we request that you consider the need to address the *possible* chilling effect that an ongoing issue of this type may have on other employees.

In accordance with 10 CFR 2.790 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's 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 personal privacy information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the personal privacy-related information and a redacted copy of your response that deletes the personal privacy-related information. Identify the particular portions of the response in question which, if disclosed, would create an unwarranted invasion of personal privacy, identify the individual whose privacy would be invaded in each instance, describe the nature of the privacy invasion, and indicate why, considering the public interest in the matter, the invasion of privacy is unwarranted. If you request withholding on any other grounds, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

After completion of the OI investigation, as well as a review of your response, the NRC will determine whether enforcement action is necessary to ensure compliance with regulatory requirements.

Sincerely,

/RA/ James T. Wiggins Acting For

Hubert J. Miller
Regional Administrator

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cc: State of Virginia

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**Revised via e-mail from D. Starkey