



CONSULTING ENGINEERS | BUILDING OFFICIALS
CONSTRUCTION PROFESSIONALS | SOIL SCIENTISTS & GEOLOGISTS

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December 15, 2003

United States Nuclear Regulatory Commission
Region I
475 Allendale Road
King of Prussia, Pennsylvania 19406-1415

030-33635
45-15200-04

Re: Employees' Rights to Contact the NRC

Dear Mr. Miller:

Please accept the following as a response to your letter dated November 26, 2003. There is one small bit of confusion that we would ask you to clarify for us in addition to acknowledging receipt of this letter. Virginia is in Region II, the inspector and investigator that visited us on August 11 and 12, 2003 were also from Region II. We have received no correspondence from the Region II Administrator regarding this situation and were confused by the receipt of your letter. If in fact this letter and our future correspondence should be addressed to Region II rather than your office we would kindly request that you forward a copy of this letter to the Regional Administrator for Region II and advise them of our compliance with your request to reply.

Regarding the contents of your letter. I do hereby swear and affirm that the safety of my employees is the single most important issue that I deal with every single day. Therefore we have taken the following steps and actions to ensure that each and every employee knows and understands their rights and responsibilities regarding safety violations and their right to contact the NRC.

- 1) A thorough review of our practices and training is currently underway.
- 2) We have cooperated fully with the inspector and the investigator assigned to our case and made every resource at our disposal available to them upon request.
- 3) A meeting was held regarding the inspection findings, where the results and any unacceptable practices were discussed. (i.e. locks, documents, transport etc..). It was made clear to our employees that they have not just the right but the responsibility to raise safety concerns and report them if necessary.

MANASSAS, VA

FREDERICKSBURG, VA

WINCHESTER, VA

EASTON, MD

LIKE PEOPLE, SOILS ARE DIFFERENT

Memo to All Employees
December 15, 2003
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To clarify our corporate policy:

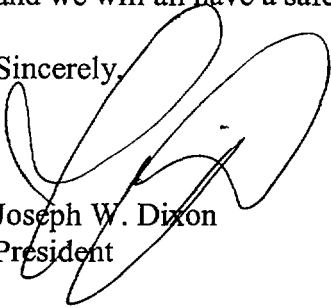
As employees, you must follow the safety rules as established in our Corporate Employee's Policy Manual, Section 12. Safety. In addition, if you believe that violations of NRC rules or the terms of the license have occurred, or if you have a safety concern, you should report them immediately to your supervisor. You should also report any situation in this regard to the Radiation Safety Officer Mr. Timothy Gentry or his alternate Mr. Zachary Spille. If your concerns are not addressed, by these individuals immediately you should contact their supervisor Mr. James Hickernell the Vice President of Operations. In addition, each of you is aware that I have maintained an open door policy since joining Soil Consultants and will continue to do so. If any if you feels that safety issues are not being addressed you should feel free to come see me directly.

The above is our corporate policy. What I want to convey to each of you on an individual level, is that your safety is the most important thing in the world to me and I will not tolerate anyone taking it lightly. If any of you feel that you or your fellow employees' safety is being compromised or ignored, I want you to be aware and understand that it is, not only your duty but your responsibility to one another, to contact the NRC directly. The attached "Notice to Employees" NRC Form 3 provides you with all of the details regarding your rights and responsibilities.

I want each of you to read the attached and understand that at no time are you to compromise your personal safety or the safety of your fellow employees. In the event of an emergency involving a Nuclear Density Gauge, (damage, any situation where a possible leak could occur etc.) you should clear the area of all personnel immediately, including yourself. Immediately contact the Radiation Safety Officer who will contact the proper authorities. Allow no one to approach the gauge until the authorities have arrived.

Our most valuable assets are our employees. Let us all remember that and remember that safety is not a part time job! Take care of yourselves and each other each and every day and we will all have a safe and happy environment to be proud of.

Sincerely,



Joseph W. Dixon
President

interoffice memo

Date: December 15, 2003
To: All Employees
From: Joe Dixon, President
RE: Radiation Safety, Your Rights and Responsibilities

It has been brought to my attention that a need to reinforce the roles we all take in each other's safety on a daily basis may exist. Each of you should be aware that we operate our Nuclear Density Gauges, for the testing of compactive effort in a field environment, under a license from the Nuclear Regulatory Commission (NRC). This license permits us to store, handle and use our gauges following the laws and guidelines for regulated materials established by the federal government. These gauges make it possible for us to perform our work. They are the life-blood of our company and without them we would cease to exist.

Therefore, it is our responsibility as a company and an employer and to ensure compliance with these laws and guidelines on a daily basis. In addition, each one of us has a personal responsibility to ensure compliance with the law. Your personal safety and the safety of everyone we work with should be your first and foremost thought at all times. The attached NRC Form 3 is the Notice to Employees that we are required to post as part of our compliance. This document advises you of your rights. This document is posted in three locations:

- 1) The technician's area on the second floor, on the bulletin board by the technician mail boxes
- 2) On the bulletin board outside of Jim Hickernell and Brian Benjey's office on the second floor near dispatch and
- 3) In the Nuclear Gauge Storage Room in the Laboratory.

We have included a copy of the Notice with this memo, so that each of you, regardless of your involvement with the gauges will also know and be aware of your rights and responsibilities. I would ask that each of you read the attached and keep it with you at all times. If you should have any questions regarding the contents or your rights as an employee of this firm you may see me directly or kindly contact the NRC Regional Office (Region II) for our area at 1-(800) 577-8510, this is the number listed on the notice.

Mr. Miller
December 15, 2003
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- 4) The attached memorandum is being placed with each and every employee's paycheck explaining our seriousness regarding safety and the employee's rights to contact the NRC, along with a copy of NRC Form 3.
- 5) Corrections, policy revisions and licensing requirements are being updated and will continue to be made in response to the inspection and any further correspondence in this regard.

It is our hope that we have demonstrated to you our utmost respect for the protection of our employees and their rights. In addition, you have my solemn oath that I have personally hired and created a very diverse team of professionals, representing a wide range of races, creeds, colors, sexes and religious backgrounds. We take pride in our multiculturalism and defend our employees even at the cost of doing business with clients if we feel our employees' rights are subject to discrimination. We do not tolerate discrimination in any form what so ever and take every step necessary to eliminate discrimination if reported. This is documented throughout our history and will continue to be our practice as long as I am the President of the Company.

There is no chilling effect in place within our organization and none will be tolerated, on this you have my promise. If you should have any further advice or direction in this regard or have any additional questions, please do not hesitate to contact me directly.

Sincerely,



Joseph W. Dixon
President

Attachments



NOTICE TO EMPLOYEES

STANDARDS FOR PROTECTION AGAINST RADIATION (PART 20); NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS (PART 19); EMPLOYEE PROTECTION

WHAT IS THE NUCLEAR REGULATORY COMMISSION?

The Nuclear Regulatory Commission is an Independent Federal regulatory agency responsible for licensing and inspecting nuclear power plants and other commercial uses of radioactive materials.

WHAT DOES THE NRC DO?

The NRC's primary responsibility is to ensure that workers and the public are protected from unnecessary or excessive exposure to radiation and that nuclear facilities, including power plants, are constructed to high quality standards and operated in a safe manner. The NRC does this by establishing requirements in Title 10 of the Code of Federal Regulations (10 CFR) and in licenses issued to nuclear users.

WHAT RESPONSIBILITY DOES MY EMPLOYER HAVE?

Any company that conducts activities licensed by the NRC must comply with the NRC's requirements. If a company violates NRC requirements, it can be fined or have its license modified, suspended or revoked.

Your employer must tell you which NRC radiation requirements apply to your work and must post NRC Notices of Violation involving radiological working conditions.

WHAT IS MY RESPONSIBILITY?

For your own protection and the protection of your co-workers, you should know how NRC requirements relate to your work and should obey them. If you observe violations of the requirements or have a safety concern, you should report them.

WHAT IF I CAUSE A VIOLATION?

If you engaged in deliberate misconduct that may cause a violation of the NRC requirements, or would have caused a violation if it had not been detected, or deliberately provided inaccurate or incomplete information to either the NRC or to your employer, you may be subject to enforcement action. If you report such a violation, the NRC will consider the circumstances surrounding your reporting in determining the appropriate enforcement action, if any.

HOW DO I REPORT VIOLATIONS AND SAFETY CONCERNS?

If you believe that violations of NRC rules or the terms of the license have occurred, or if you have a safety concern, you should report them immediately to your supervisor. You may report violations or safety concerns directly to the NRC. However, the NRC encourages you to raise your concerns with the

licensee since it is the licensee who has the primary responsibility for, and is most able to ensure, safe operation of nuclear facilities. If you choose to report your concern directly to the NRC, you may report this to an NRC inspector or call or write to the NRC Regional Office serving your area. If you send your concern in writing, it will assist the NRC in protecting your identity if you clearly state in the beginning of your letter that you have a safety concern or that you are submitting an allegation. The NRC's toll-free SAFETY HOTLINE for reporting safety concerns is listed below. The addresses for the NRC Regional Offices and the toll-free telephone numbers are also listed below.

WHAT IF I WORK WITH RADIOACTIVE MATERIAL OR IN THE VICINITY OF A RADIOACTIVE SOURCE?

If you work with radioactive materials or near a radiation source, the amount of radiation exposure that you are permitted to receive may be limited by NRC regulations. The limits on your exposure are contained in sections 20.1201, 20.1207, and 20.1208 of Title 10 of the Code of Federal Regulations (10 CFR 20) depending on the part of the regulations to which your employer is subject. While these are the maximum allowable limits, your employer should also keep your radiation exposure as far below those limits as "reasonably achievable."

MAY I GET A RECORD OF MY RADIATION EXPOSURE?

Yes. Your employer is required to advise you of your dose annually if you are exposed to radiation for which monitoring was required by NRC. In addition, you may request a written report of your exposure when you leave your job.

HOW ARE VIOLATIONS OF NRC REQUIREMENTS IDENTIFIED?

NRC conducts regular inspections at licensed facilities to assure compliance with NRC requirements. In addition, your employer and site contractors conduct their own inspections to assure compliance. All inspectors are protected by Federal law. Interference with them may result in criminal prosecution for a Federal offense.

MAY I TALK WITH AN NRC INSPECTOR?

Yes. NRC inspectors want to talk to you if you are worried about radiation safety or have other safety concerns about licensed activities, such as the quality of construction or operations at your facility. Your employer may not prevent you from talking with an inspector. The NRC will make all reasonable efforts to protect your identity where appropriate and possible.

MAY I REQUEST AN INSPECTION?

Yes. If you believe that your employer has not corrected violations involving radiological working conditions, you may request an inspection. Your request

should be addressed to the nearest NRC Regional Office and must describe the alleged violation in detail. It must be signed by you or your representative.

HOW DO I CONTACT THE NRC?

Talk to an NRC inspector on-site or call or write to the nearest NRC Regional Office in your geographical area (see map below). If you call the NRC's toll-free SAFETY HOTLINE during normal business hours, your call will automatically be directed to the NRC Regional Office for your geographical area. If you call after normal business hours, your call will be directed to the NRC's Headquarters Operations Center, which is manned 24 hours a day.

CAN I BE FIRED FOR RAISING A SAFETY CONCERN?

Federal law prohibits an employer from firing or otherwise discriminating against you for bringing safety concerns to the attention of your employer or the NRC. You may not be fired or discriminated against because you:

- ask the NRC to enforce its rules against your employer;
- refuse to engage in activities which violate NRC requirements;
- provide information or are about to provide information to the NRC or your employer about violations of requirements or safety concerns;
- are about to ask for, or testify, help, or take part in an NRC, Congressional, or any Federal or State proceeding.

WHAT FORMS OF DISCRIMINATION ARE PROHIBITED?

It is unlawful for an employer to fire you or discriminate against you with respect to pay, benefits, or working conditions because you help the NRC or raise a safety issue or otherwise engage in protected activities. Violations of Section 211 of the Energy Reorganization Act (ERA) of 1974 (42 U.S.C. 5851) include actions such as harassment, blacklisting, and intimidation by employers of (i) employees who bring safety concerns directly to their employers or to the NRC; (ii) employees who have refused to engage in an unlawful practice, provided that the employee has identified the illegality to the employer; (iii) employees who have testified or are about to testify before Congress or in any Federal or State proceeding regarding any provision (or proposed provision) of the ERA or the Atomic Energy Act (AEA) of 1954; (iv) employees who have commenced or caused to be commenced a proceeding for the administration or enforcement of any requirement imposed under the ERA or AEA or who have, or are about to, testify, assist, or participate in such a proceeding.

HOW DO I FILE A DISCRIMINATION COMPLAINT?

If you believe that you have been discriminated against for bringing violations or safety concerns to the NRC or your employer, you may file a complaint with the NRC or the U.S. Department of Labor (DOL). If you desire a personal

remedy, you must file a complaint with the DOL pursuant to Section 211 of the ERA. Your complaint to the DOL must describe in detail the basis for your belief that the employer discriminated against you on the basis of your protected activity, and it must be filed in writing either in person or by mail within 180 days of the discriminatory occurrence. Additional information is available at the DOL web site at www.osha.gov. Filing an allegation, complaint, or request for action with the NRC does not extend the requirement to file a complaint with the DOL within 180 days. You must file the complaint with the DOL. To do so, you may contact the Allegation Coordinator in the appropriate NRC Region, as listed below, who will provide you with the address and telephone number of the correct OSHA Regional office to receive your complaint. You may also check your local telephone directory under the U.S. Government listings for the address and telephone number of the appropriate OSHA Regional office.

WHAT CAN THE DEPARTMENT OF LABOR DO?

If your complaint involves a violation of Section 211 of the ERA by your employer, it is the DOL, NOT THE NRC, that provides the process for obtaining a personal remedy. The DOL will notify your employer that a complaint has been filed and will investigate your complaint.

If the DOL finds that your employer has unlawfully discriminated against you, it may order that you be reinstated, receive back pay, or be compensated for any injury suffered as a result of the discrimination and be paid attorney's fees and costs.

Relief will not be awarded to employees who engage in deliberate violations of the Energy Reorganization Act or the Atomic Energy Act.

WHAT WILL THE NRC DO?

The NRC will evaluate each allegation of harassment, intimidation, or discrimination. Following this evaluation, an investigator from the NRC's Office of Investigations may interview you and review available documentation. Based on the evaluation, and, if applicable, the interview, the NRC will assign a priority and a decision will be made whether to pursue the matter further through an investigation. The assigned priority is based on the specifics of the case and its significance relative to other ongoing investigations. The NRC may not pursue an investigation to the point that a conclusion can be made whether the harassment, intimidation, or discrimination actually occurred. Even if NRC decides not to pursue an investigation, if you have filed a complaint with the DOL, the NRC will monitor the results of the DOL investigation.

If the NRC or the DOL finds that unlawful discrimination has occurred, the NRC may issue a Notice of Violation to your employer, impose a fine, or suspend, modify, or revoke your employer's NRC license.

UNITED STATES NUCLEAR REGULATORY COMMISSION REGIONAL OFFICE LOCATIONS

A representative of the Nuclear Regulatory Commission can be contacted by employees who wish to register complaints or concerns about radiological working conditions or other matters regarding compliance with Commission rules and regulations at the following addresses and telephone numbers.

REGIONAL OFFICES

REGION	ADDRESS	TELEPHONE
I	U.S. Nuclear Regulatory Commission, Region I 475 Allendale Road King of Prussia, PA 19408-1415	(800) 432-1156
II	U.S. Nuclear Regulatory Commission, Region II Atlanta Federal Center 91 Forsyth Street, S.W., Suite 23T85 Atlanta, GA 30303-3415	(800) 577-8510
III	U.S. Nuclear Regulatory Commission, Region III 801 Warrenville Road Lisle, IL 60532-4351	(800) 522-3025
IV	U.S. Nuclear Regulatory Commission, Region IV 611 Ryan Plaza Drive, Suite 400 Arlington, TX 76011-8084	(800) 952-9677

To report safety concerns or violations of NRC requirements by your employer,

telephone:
NRC SAFETY HOTLINE

1-800-695-7403

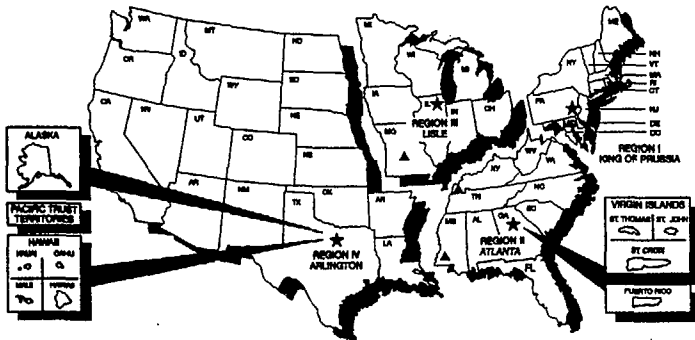
To report incidents involving fraud, waste, or abuse by an NRC employee or NRC contractor,

telephone:

OFFICE OF THE INSPECTOR GENERAL

HOTLINE

1-800-233-3497



▲ - Callaway Plant Site in Missouri and Grand Gulf Plant Site in Mississippi are under the purview of Region IV. The Paducah Gaseous Diffusion Plant in Kentucky is under the purview of Region III.