



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, DC 20555 - 0001**

November 17, 2004

Licensee: Soil Consultants Inc.  
9303 Center Street  
Manassas, VA 20110-5547

Docket No.: 030-33635

License No.: 45-15200-04

EA 04-103

On August 12, 2004, representatives of Soil Consultants Inc. (SCI) met with U.S. Nuclear Regulatory Commission (NRC) personnel at the NRC Headquarters office located in Rockville, MD, to discuss an apparent violation of 10 CFR 30.7, "Employee protection." The predecisional enforcement conference (PEC) was held at the request of Headquarters (Office of Enforcement) personnel.

The licensee presented a summary of their case and concluded that the adverse action taken against the dispatcher was not in retaliation for his/her engaging in a protected activity (allegedly informing the NRC about safety concerns) and therefore, no violation of 10 CFR 30.7 occurred. The licensee stated that there were legitimate non-discriminatory reasons for the termination. That the dispatcher had violated SCI corporate policy by not properly reporting an alleged nuclear incident and failing to notify SCI of his/her absence from work within two scheduled work days from the time the employee was last scheduled to work.

A caucus was held after the transcript of the meeting was reviewed by the NRC PEC participants. The attendance list, licensee's slide presentation, and NRC presentation are attached to this summary.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this summary and the enclosed material will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS) accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Attachments:

1. Attendance List
2. Licensee Slide Presentation
3. NRC Presentation

## ATTENDANCE LIST

### NRC

Frank J. Congel, Director, Office of Enforcement  
Russell J. Arrighi, Senior Enforcement Specialist, Office of Enforcement  
Nickolas Hilton, Senior Enforcement Specialist, Office of Enforcement  
Robert Starkey, Enforcement Specialist, Office of Enforcement  
Deani A. Riffle, Administrative Assistant, Office of Enforcement  
Stephen Lewis, Office of General Counsel  
Henry McGurren, Office of General Counsel  
Cheryl Montgomery, Office of Investigation  
Linda Gersey, Nuclear Material Safety and Safeguards  
Daniel Holody, Enforcement Coordinator, Region I  
Thomas Decker, Branch Chief, Nuclear Material Safety and Safeguards, Region I  
Len Williamson, Office of Investigations, Region II  
Andy Miller, Health Physicist, Nuclear Material Safety and Safeguards, Region II

### Soil Consultants Inc.

Joseph Dixon, President  
Jim Hickernell, Vice President for Operations

### Members of Public

Josh Burton, Attorney at Law, Henrichsen/Siegel  
Arthur Clark

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**ADAMS ACCESSION:**

**Package: ML043230349**

**Summary: ML043230391**

|        |            |  |            |  |
|--------|------------|--|------------|--|
| OFFICE | OE:ES      |  | OE:DD      |  |
| NAME   | RArrighi   |  | JLuehman   |  |
| DATE   | 11/15/2004 |  | 11/17/2004 |  |

**C = COVER**

**E = COVER & ENCLOSURE  
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A. Williamson, RII, OI

V. Selewski, RII, OI

ADAMS (PARS)

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# **Licensee Slide Presentation**

# **NRC Presentation**