UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

May 9, 2005

Docket No. 03029222 License No. 45-24846-01

Willaim F. Sledjeski
President/RSO
Soil Tech, Inc.
14630-F Flint Lee Road
Chantilly, VA 20151

SUBJECT: INSPECTION 03029222/2005001, SOIL TECH, INC., CHANTILLY, VIRGINIA SITE AND NOTICE OF VIOLATION

Dear Mr. Sledjeski:

On April 6, 2005, Jenny Johansen 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 selected 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, it appears that your activities were not conducted in full compliance with NRC requirements. A Notice of Violation is enclosed that categorizes each violation by severity level in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG 1600. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

Current NRC regulations and guidance are available at the NRC Web sites listed below or by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays).

Your cooperation with us is appreciated.

Sincerely,

Original signed by John D. Kinneman

John D. Kinneman, Chief
Security and Industrial Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

NRC Web site addresses
NRC regulations
http://www.nrc.gov/reading-rm/doc-collections/cfr/
Licensing guidance
http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/
General Policy and Procedure for NRC Enforcement Actions
Http://www.nrc.gov/what-we-do/regulatory/enforcement/enforc-pol.pdf
206 of the Energy Reorganization Act of 1974
http://www.nrc.gov/who-we-are/governing-laws.html

cc:
Commonwealth of Virginia

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NAME	JJohansen		JDKinneman					
DATE	04/26/2005		04/26/2005					

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NOTICE OF VIOLATION

Soil Tech, Inc.
Chantilly, VA

Docket No. 030-29222
License No. 45-24846-01

During an NRC inspection conducted on April 6, 2005, seven violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG-1600, the violations are listed below:

A. 10 CFR 20.1101(a) and (c) require, in part, that a licensee develop, document, and implement a radiation protection program commensurate with the scope and extent of licensed activities and sufficient to ensure compliance with the provisions of Part 20, and periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, as of April 6, 2005, the licensee had not periodically (at least annually) reviewed the radiation protection program content and implementation. Specifically, the licensee had not conducted a periodic review since March 21, 2000.

This is a Severity Level IV violation (Supplement IV).

B. 10 CFR 71.5(a) requires that a licensee who transports licensed material outside of the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 170 through 189.

1. 49 CFR 172.301 requires, in part, with exceptions not applicable here, that each package used in transport shall be marked with the proper identification number preceded by "UN" or "NA" as appropriate for the material as shown in 49 CFR 172.101

   Contrary to the above, on April 6, 2005, a carrying case used to transport a CPN Model MC-1 portable nuclear density gauge, serial no. M16036631, containing 10 mCi of cesium-137 and 50 mCi of americium-241 was not marked with the correct identification number. Specifically the identification no. was UN 2974 rather than UN 3332.

   This is a Severity Level IV violation (Supplement V).

2. 49 CFR 172.324 requires, in part, with exceptions not applicable here, that for each non-bulk package that contains a hazardous substance, the letters "RQ" shall be marked on the package in association with the proper shipping name.

   Contrary to the above, as of April 6, 2005, a carrying case used to transport a CPN Model MC-1 portable nuclear density gauge, serial no. M16036631, containing 10 mCi of cesium-137 and 50 mCi of americium-241 was not marked with "RQ" signifying a reportable quantity.

   This is a Severity Level IV violation (Supplement V).

3. 49 CFR 172.403 requires, in part, with exceptions not applicable here, that each package of radioactive material be labeled, as appropriate with two RADIOACTIVE WHITE-I, RADIOACTIVE YELLOW-II, or RADIOACTIVE YELLOW-III labels on opposite sides of the package. The contents, activity, and transportation index must be entered in the black spaces on the label using a legiible and durable, weather resistant means . The contents entered on the label must include the name of abriviation (e.g., ^{99}Mo) of the radionuclides as taken from the listing in 49 CFR 173.435, or for mixtures of radionuclides, those nuclides determined in accordance with provisions of 49 CFR 173.433(f), with consideration of space available on the label. The activity must be expressed in terms of the appropriate SI units (e.g., Becquerel, Terabecquerel etc...), or in terms of appropriate SI units followed by customary units (e.g., curies, millicuries, or microcuries)

   Contrary to the above on April 6, 2005, both RADIOACTIVE YELLOW- II labels on a carrying case used to transport a CPN Model MC-1 portable nuclear density gauge, serial no. M16036631, containing 10 mCi of cesium-137 and 50 mCi of americium-241 were torn. The TI could not be read on one label and the activity was not expressed in SI units on either label. On a carrying case used to transport a CPN Model MC-1 portable nuclear density gauge, serial no. M11053789, containing 10 mCi of cesium-137 and 50 mCi of americium-241, one of the RADIOACTIVE YELLOW- II labels had no legible printing as to the contents, activity, and transportation index of the package.

   This is a Severity Level IV violation (Supplement V).

4. 49 CFR 172.702 requires that each Hazmat employer shall ensure that each Hazmat employee is trained and tested, and that no Hazmat employee performs any function subject to the requirements of 49 CFR Parts 171-177 unless trained, in accordance with Subpart H of 49 CFR Part 172. The terms Hazmat employer and Hazmat employee are defined in 49 CFR 171.8

   49 CFR 172.704(c)(2) states that a Hazmat employee shall receive the training required by this subpart at least once every three years.

   Contrary to the above, as of April 6, 2005, the licensee, a Hazmat employer, did not ensure that the licensee's RSO, a Hazmat employee, who performed functions subject to the requirements of 49 CFR Parts 171-177 during the years 2000 to 2005, had received the training required by this subpart at least once every three years.

   This is a Severity Level IV violation (Supplement V).

5. 49 CFR 172.202(a) and (b) require in part, with exceptions not applicable here, that the shipping description of a hazardous material on the shipping paper include, in the following sequence: (1) the proper shipping name prescribed for the material in 172.101, (2) the hazard class prescribed for the material as shown

in Column 3 of the 172.101 Table, and (3) the identification number prescribed for the material as shown in Column 4 of the 172.101 Table. Pursuant to 49 CFR 172.101, radioactive material is classified as hazardous material.

Contrary to the above, between October 1, 2002, and April 5, 2005, the licensee transported outside the confines of its plant, licensed material contained in portable moisture density gauges, and the shipping description on the shipping paper that accompanied the shipments did not include the identification number prescribed for the material as shown in Column 4 of the 172.101 Table. Specifically, the licensee transported licensed material on public roads in Virginia and the licensee's shipping papers referred to identification number UN2974 instead of UN3332.

This is a Severity Level IV violation (Supplement V).

C. Condition 15 of License 45-24846-01 requires the licensee to conduct a physical inventory every six months to account for all sealed sources and devices containing licensed material received and possessed under the license.

Contrary to the above, as of April 6, 2005, the licensee had not performed a physical inventory to account for all sealed sources and devices containing licensed material received and possessed under the license since March 21, 2000, a period in excess of 6 months.

This is a Severity Level IV violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, Soil Tech, Inc. Is hereby required to submit a written statement or explanation 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). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

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 at http://www.nrc.gov/reading-rm.html. 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.

Dated This _9th_ day of _May_ 2005