GREENHORNE &
G&O
O'MARA, INC.
VISIONS. SOLUTIONS.

GENERAL CIVIL
TRANSPORTATION
RESOURCE MANAGEMENT
GEOGRAPHIC SCIENCES

June 28, 2005

U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

ATTN: Document Control Desk

Subject: Inspection 03033517/ 2005 001 Greenhorne & O'Mara, Inc. Richmond, Virginia Site and Notice of Violation

In response to the attached Notice of Violation dated June 14, 2005, enclosed is Greenhorne & O'Mara, Inc. (G&O), reply with the corrective steps that will be taken to ensure that G&O is in full compliance with the requirements of G&O's license (45-25294-01).

We apologize for failing to maintain complete documentation. We offer no excuses. G&O assumed that as the gauge used by our Richmond office was a rental gauge, the records were being maintained by the owner. We appreciate your guidance in this matter and we do realize the significance and importance of maintaining proper and complete documentation in accordance with NRC's regulations.

We are considering revising our license to establish the Silver Spring, Maryland office as the home office instead of Richmond, Virginia. Please advise us as to the necessary procedure to make this change.

Please advise us if you have any questions or if additional information is needed.

Sincerely,

Greenhorne & O'Mara, Inc.

Paul E. Perkins, P.E.
RSO

Greenhorne & O'Mara, Inc.

Simon Simon, P.E.
Vice-President

12211 Plum Orchard Drive, Suite 310 • Silver Spring, Maryland 20904 • Phone: 301.572.7201 • Fax: 301.572.5051
www.G-and-O.com

IE07

Attachments

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

Regional Administrator, Region I

Frederick Wagner G&O
Michael Retton G&O
Richard Bennett G&O
Guthrie Smith G&O

Reply to Notice of Violation

A. Condition 15 of License No. 45-25294-01

1.) Reason for violation

Greenhorne & O'Mara, Inc. (G&O) failed to conduct a physical inventory at six months intervals to account for all sealed sources and devices containing licensed material received and possessed under the license.

2.) Corrective Steps taken and results achieved

G&O's RSO has advised the Richmond office of the documentation required to meet the requirements of Condition 15. For each gauge used, an Inventory will be kept indicating the office, name of the user, the gauge model and serial no., manufacturer, etc. and the location of the gauge. A "Gauge User Checklist" (sample attached) will be completed monthly, along with a "Log of Daily Gauge Usage" form (sample attached).

3.) Corrective Steps that will be taken to avoid further violations

The forms and documentation described in step (2) will be sent to the RSO in Maryland for review at least every 3 months. Documentation will be maintained in both Virginia and Maryland. G&O will have a three (3) month inventory to assure compliance. G&O will have an RSO trained in each state that has or is using a gauge i.e. Richmond, VA, Faimont, WV, Mechanicsburg, PA and of course the Maryland office.

4.) Date when full compliance will be achieved is prior to September 1, 2005

RSOs training will depend upon course availability in each state.

B. Condition 13 of License No. 45-25294-01

1.) Reason for violation

Greenhorne & O'Mara, Inc. failed to obtain a certificate indicating leak test were performed from the transferor (VDOT) prior to use and had no certificate indicating that leak test were performed prior to transfer of the gauge back to VDOT thereby putting the gauge into use and transferring without records of testing and receiving test results.

2.) Corrective steps taken and results achieved

G&O's RSO has advised the Richmond Office of the documentation required to meet the requirements of Condition 13. Generally G&O receives gauges from Virginia Department of Transportation (VDOT) for use on VDOT projects on a daily basis and returns the gauge to VDOT the same day or within a few days. VDOT stores the gauges. G&O will not accept any gauges for use without the leak test certificate. G&O will alert VDOT when the next leak test is required (every six (6) months). G&O will maintain leak test records of all gauges in G&O's possession. For

each gauge used, a form will be completed similar to the attached sample form.

3.) **Corrective steps that will be taken to avoid further violations**
The form described in step (2) and the certificates of leak test results will be sent to RSO in Maryland every six (6) months. Documentation will be maintained in both Virginia and Maryland. As stated previously G&O also intends to have an RSO trained in VA, WV, PA and MD.

For gauge(s) currently in use, G&O's Richmond office will request the most recent leak test certificate and test results. If the gauge was recently returned to VDOT, leak test results will be requested from VDOT.

4.) **Date when full compliance will be achieved is prior to September 1, 2005**

C. **10 CFR 30.51**

1.) **Reason for Violation**
Greenhorne & O'Mara, Inc. has failed to retain record of receipt for a gauge transferred from Maryland to a temporary jobsite in Fairmont, West Virginia. A record of receipt should have been on file in Fairmont, WV with a notice of transfer from Maryland; and on file in Richmond, VA since the license is in Richmond, VA.

2.) **Corrective steps taken and results achieved**
G&O's RSO has established a form letter (copy attached) which will be sent to the Fairmont, WV office for them to sign noting the date received. A copy will be kept in the Fairmont, WV; Silver Spring, Maryland; and Richmond, VA offices.

3.) **Corrective Steps that will be taken to avoid further violations**
Refer to step (2). A paper trail of receipts for the transfer of all gauges from one state to another will be maintained.

4.) **Date when full compliance will be achieved is prior to September 1, 2005**

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

RECEIVED
JUN 20 2005
BY:.....

June 14, 2005

Docket No. 03033517 License No. 45-25294-01

Simon Simon
VP Structural Engineering, Corporate
Greenhorne & O'Mara, Inc.
10800 Midlothian Parkway, Suite 310
Richmond, VA 23235

SUBJECT: INSPECTION 03033517/2005001, GREENHORNE & O'MARA, INC, RICHMOND, VIRGINIA SITE AND NOTICE OF VIOLATION

Dear Mr. Simon:

On May 17, 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 limited to discussions of licensed activities with office personnel and telephone discussions with you on that date. Additional information provided in the telephone conversation on May 31, 2005 between Paul Perkins of your organization and this office was also examined as part of the inspection. The findings of the inspection were discussed with Paul Perkins of your organization 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. 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 the General Policy and Procedure for NRC Enforcement Actions are available at the NRC web site at http://www.nrc.gov/materials/miau/mat-toolkits.html and http://www.nrc.gov/what-we-do/regulatory/enforcement 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,

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

Enclosure:
Notice of Violation

cc:
Paul E. Perkins, Radiation Safety Officer
Commonwealth of Virginia

NOTICE OF VIOLATION

Greenhorne & O'Mara, Inc
Richmond, VA

Docket No. 03033517
License No. 45-25294-01

During an NRC inspection conducted on May 17, 2005, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

A. Condition 15 of License No. 45-25294-01 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, since May 2, 2000, the licensee has not conducted physical inventory every six months to account for all sealed sources and devices containing licensed material received and possessed under the license.

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

B. Condition 13 of License No. 45-25294-01 requires, in part, that in the absence of a certificate from a transferor indicating that a leak test has been made within the intervals specified in the certificate of registration issued by the U. S. Nuclear Regulatory Commission under 10 CFR 32.210 or equivalent regulations of an Agreement State, prior to the transfer, the sealed source received from another person shall not be put into use until tested and the test results received.

Contrary to the above, since May 2, 2000, the licensee has used portable gauges containing 8 millicuries of cesium-137 and 40 millicuries of americium-241 from a transferor (Virginia Department of Transportation, (VDOT)) at temporary job sites and had no certificate from a transferor indicating that a leak test has been made prior to transfer, within the intervals specified in the certificate of registration issued by the U. S. Nuclear Regulatory Commission under 10 CFR 32.210 or equivalent regulations of an Agreement State and the licensee put the portable gauge into use without testing and receiving test results.

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

C. 10 CFR 30.51 requires, in part, that the licensee shall retain each record of receipt of byproduct material as long as the material is possessed and for three years following transfer of the material.

Contrary to the above, as of May 31, 2005, the licensee had not retained each record of receipt of byproduct material in its possession and for three years following transfer of the material. Specifically, the licensee possesses a Troxler Model 3450 CE, SN 647 portable gauge at a temporary job site in Fairmont, West Virginia had not retained a record of receipt. In addition, for each gauge transfer to and from VDOT, from May 17, 2002 to May 17, 2005, the licensee had not retained records following transfer.

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

Pursuant to the provisions of 10 CFR 2.201, Greenhorne & O'Mara, 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. 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 14th day of June 2005

GREENHORNE & O'MARA, INC.

VISIONS. SOLUTIONS.

Gauge User Checklist

Date: _____

In Care Of: _____

_____
(Print & Sign Your Name)

Location: _____

_____
(Print Name of Job Site, Address, & Phone Number)

Gauge: (Check One Gauge)

_____	Troxler	Model No.	3411-B	Serial No.	14053	
	Density Source:		Type:	Cs137	Serial #:	50-2283
	Moisture Source:		Type:	Am241	Serial #:	47-9615
_____	Troxler	Model No.	3430-A	Serial No.	22355	
	Density Source:		Type:	Cs137	Serial #:	75-4038
	Moisture Source:		Type:	Am241	Serial #:	47-48077
_____	Troxler	Model No.	3411-B	Serial No.	14441	
	Density Source:		Type:	Cs137	Serial #:	50-3068
	Moisture Source:		Type:	Am241	Serial #:	47-9787
_____	Troxler	Model No.	3450-CE	Serial No.	647	
	Density Source:		Type:	Cs137	Serial #:	75-4087
	Moisture Source:		Type:	Am241	Serial #:	47-56086
_____	Troxler	Model No.	3411-B	Serial No.	14524	
	Density Source:		Type:	Cs137	Serial #:	50-3171
	Moisture Source:		Type:	Am241	Serial #:	47-9871

Accessories:

Charger____ Scraper Plate_____ Rod_____ Standard Block_____ Hammer_____
Please check off all of the accessories that are with the gauge.

Leak Test: They are to be done every 3 months. Date of Last Leak Test: _____

Badge: _____(Initial)
Please initial if you have a badge. This badge needs to be worn while working with the gauge. It should not be stored with the gauge. It is replaced every 3 months.

Transportation/Storage Requirements: _____(Initial)
Please initial to acknowledge that you have reviewed the attached procedures for the gauge.
Have a Bill of Lading: _____(Initial)

Operation of the Gauge:

Charging Properly: Yes/No (Circle Yes or No)
Accurate Standard Count: Yes/No (Circle Yes or No)

Comments: _____
(Note any problems with the gauge. Ex: charging, any malfunctions, missing accessories)

_____
Paul E. Perkins, RSO

Log of Daily Gauge Usage

Technician & Badge #: _____
G&O Job #: _____
Gauge: _____
Serial Number: _____

Removed from Storage		Returned to Storage		Remarks
Date	Time	Date	Time	(# of Tests, Type of Tests, Location, Etc.)

Gauge Transport

RECEIPT

Greenhorne & O'Mara, Inc.
12211 Plum Orchard Drive, Suite 310, Silver Spring, Maryland 20904 (301) 572-7201

RECEIPTS, TRANSFERS OR DISPOSALS OF NUCLEAR SURFACE MOISTURE – DENSITY GAUGES

DATE: _____

_____ RECEIVED _____ TRANFERRED _____ DISPOSED OF

GAUGE MANUFACTURER _____

MODEL _____ SERIAL NO. _____

Name of person conducting transaction: _____

Title: _____

RECEIVED FROM: _____

TRANSFERRED TO: _____

ADDRESS: _____

_____

PHONE: _____

DESCRIPTION AND EXPLANATION: _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

G&O Coatings Department (757). Radiation Safety Program: Nuclear Gauges