



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

July 18, 2006

Docket No. 03032078
EA No. 06-172

License No. 45-25135-01

Samir A. Alqutri, Ph.D., PE
Vice President
Geotechnical Consulting & Testing, Inc.
4899 Prince William Parkway
Woodbridge, VA 22192

SUBJECT: INSPECTION 03032078/2006002, GEOTECHNICAL CONSULTING & TESTING, INC., DULLES, VIRGINIA SITE, NOTICE OF VIOLATION AND EXERCISE OF ENFORCEMENT DISCRETION

Dear Mr. Alqutri:

On June 6, 2006, Orysia Masnyk Bailey, of this office conducted a safety inspection at your Dulles, Virginia location 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. Documentation provided to the inspector on July 5, 2006 was also reviewed as part of the inspection. The findings of the inspection were discussed between Abdullah A. Adas of your organization and myself at the conclusion of the inspection on July 18, 2006.

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.

A violation of 10 CFR 30.34(i) was identified during this inspection and is described in the attached Notice of Violation. Although such violations are normally categorized at Severity Level III and are considered for escalated enforcement action, because (1) one physical control existed to prevent loss or theft of the portable gauges, (2) you retained possession of the gauges, (3) you took appropriate action to correct the violation and prevent recurrence of similar violations in the future, and (4) the violation was not willful, we are exercising enforcement discretion to categorize this violation at Severity Level IV. However, any future violations of 10 CFR 30.34(i) will be categorized at Severity Level III and evaluated for a civil penalty in accordance with Section VI.C of the Enforcement Policy.

S. Alqutri
Geotechnical Consulting & Testing, Inc.

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Current NRC regulations are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material**; then **Toolkit Index Page**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **What We Do, Enforcement**, then **Enforcement Policy**. Or you may obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 8:00 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

cc:
Abdullah A Adas, P.E., Vice President
Commonwealth of Virginia

S. Alqutri
Geotechnical Consulting & Testing, Inc.

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OFFICE	DNMS/RI	N	DNMS/RI		ORA/RI		
NAME	Omasnyk Bailey/JDK f/		JDKinneman/JDK		JWray/JRW		
DATE	07/06/2006		07/18/2006		07/18/2006		

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NOTICE OF VIOLATION

Geotechnical Consulting & Testing, Inc.
Woodbridge, Virginia

Docket No. 03032078
License No. 45-25135-01
EA No. 06-172

During an NRC inspection conducted on June 06 and July 05, 2006, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 30.34(i) requires that the licensee use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal.

Contrary to the above, on June 06, 2006, the key was left in the lock that secured one of the barriers to the portable gauge storage area at the licensee's Dulles, VA office. The licensee immediately removed the key and stated that this practice would be discontinued.

This is a Severity Level IV violation (Section VI.C).

- B. 10 CFR 71.5 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.

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 June 06, 2006, the licensee, a Hazmat employer, did not ensure that all of its Hazmat employees, who performed functions subject to the requirements of 49 CFR Parts 171-177, were trained and tested per 49 CFR 172.702.

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

- C. Condition No. 20 of License No. 45-25135-01 requires the licensee to conduct its program in accordance with the statements, representations and procedures contained in its application dated February 27, 2001.

This application commits to following the procedures contained in Appendix H, "Operating Procedures", of NUREG-1556, Volume 1, "Consolidated Guidance About Materials Licenses, Program-Specific Guidance About Portable Gauge Licenses."

Appendix H, requires, in part, that authorized users sign out the gauge in a log book (that remains at the storage location) including the date(s) of use, name(s) of the authorized users who will be responsible for the gauge, and the temporary job site(s) where the gauge will be used.

Contrary to the above, on June 06, 2006, three gauges were not in the gauge storage area and that they had not been signed out. The licensee was able to verify that they were with authorized users at temporary job sites.

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

Pursuant to the provisions of 10 CFR 2.201, Geotechnical Consulting & Testing, 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 - EA No. 06-172" 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 18th day of July 2006