



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
612 EAST LAMAR BLVD, SUITE 400
ARLINGTON, TEXAS 76011-4125

November 16, 2009

EA-09-232

Mr. Erick J. Abkemeier, CHP
Corporate Health Physics Manager
Tetra Tech EC, Inc.
Twin Oaks, I, Suite 309
5700 Lake Wright Drive
Norfolk, VA 23505

SUBJECT: WITHDRAWAL OF NOTICE OF VIOLATION (NRC INSPECTION
REPORT 030-36414/2009-001)

Dear Mr. Abkemeier:

This is in response to your letter dated August 31, 2009, in which you contested a violation of NRC requirements documented as a Severity Level IV violation in the Notice of Violation (Notice) associated with NRC Inspection Report 030-36414/2009-001, dated August 21, 2009. The violation cited in the Notice concerned Tetra Tech EC, Inc.'s (Tetra Tech) failure to comply with a condition of NRC license 46-27767-01 (license). Specifically, the Notice was issued because Tetra Tech failed to designate a radiation safety officer (RSO) from April 15, 2009 through July 1, 2009, and to amend their license when a new RSO was designated.

At the time of the inspection, the inspector understood that Mr. Clifford Stephan, listed as RSO on the Tetra Tech license, had terminated his employment on April 15, 2009, and Tetra Tech was operating without an approved RSO. This would have constituted a violation of Tetra Tech's license. The inspector discussed the details and the basis for this violation with Mr. John Gonski at the conclusion of the on-site inspection. The inspector also informed you of the details and the basis for this violation during a final exit briefing conducted telephonically on August 20, 2009. During these discussions about Tetra Tech's failure to designate an RSO, Tetra Tech representatives did not provide clarifying information pertaining to the status of the RSO position at Tetra Tech.

However, in your August 31, 2009, letter you denied that a violation occurred. Specifically, you contested the violation on the basis that Mr. Stephan had not terminated his employment but worked part-time on an "as needed" basis. You reported that Mr. Stephan had not given up his responsibilities as RSO. You also stated that Tetra Tech submitted a license amendment request to the NRC, dated April 28, 2009, to designate a new RSO. Further, you stated that the NRC approved your initial amendment request, and on July 27, 2009, the NRC issued Amendment 5 to NRC license 46-27767-01.

Based on the new information you provided in your August 31 letter, the NRC has concluded that the violation did not occur as stated in the Notice of Violation. Therefore, the violation in the Notice is withdrawn. Our records will be amended to reflect this change.

Tetra Tech EC, Inc.
EA-09-232

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

Should you have any questions concerning this letter, please contact Anthony Gaines, Branch Chief, Nuclear Materials Safety Branch A, at (817) 860-8252.

Sincerely,

/RA/

Arthur T. Howell, Director
Nuclear Materials Safety

Docket: 030-36414
License: 46-27767-01

cc: Gary Robertson, Director
Division of Radiation Protection
Department of Health
P.O. Box 47827
Olympia, WA 98504-7827

cc w/enclosure (if any)
 ECollins
 CCasto
 ATHowell
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 ADGaines
 JEWhitten
 RRMuñoz
 NMSB-A
 RIV Materials Docket File (5th Floor)
 RDeese
 MHaier
 CMaier

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