



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
612 EAST LAMAR BLVD, SUITE 400
ARLINGTON, TEXAS 76011-4125

July 16, 2010

Goldsmith Heck Engineers, Inc.
ATTN: Todd Goldsmith, President
and Radiation Safety Officer
P.O. Box 70
111 2nd Street East
Mobridge, SD 57601

SUBJECT: NRC INSPECTION REPORT 030-34989/10-001 AND NOTICE OF VIOLATION

Dear Mr. Goldsmith:

This refers to the inspection conducted on May 18, 2010, with in-office review until June 1, 2010, at your facility in Mobridge, South Dakota. The inspection was an examination of activities conducted under byproduct materials License 40-27625-01 as it relates to safety and security and in compliance with the Commission's rules and regulations and the conditions of the license. Within these areas, the inspection consisted of selected examination of procedures and representative records and interviews with personnel. Preliminary inspection findings were discussed with your staff at the conclusion of the onsite portion of the inspection. A final exit briefing was conducted with you on June 1, 2010.

Based on the results of this inspection, the NRC has determined that one violation of NRC requirements occurred. This violation involved the failure to possess and use or have access to and use a radiation survey meter that meets NRC requirements. This violation was evaluated in accordance with the NRC Enforcement Policy included on the NRC's website at www.nrc.gov/about-nrc/regulatory/enforcement.html. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in the subject Notice. This violation is being cited in the Notice because it was identified by the NRC, rather than being self-identified by the licensee.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. For your consideration and convenience NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," is enclosed. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, Enclosure 1, and your response 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 Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction.

Should you have any questions concerning this inspection, please contact Mr. Larry Donovan at 817-860-8140 or the undersigned at 817-860-8287.

Sincerely,

/RA/ by CLCain for

Vivian H. Campbell, Chief
Nuclear Materials Safety Branch A

Docket: 030-34989
License: 40-27625-01

Enclosures:

1. Notice of Violation
2. NRC Information Notice 96-28

cc w/enclosure:
South Dakota Radiation Control Program Director

Internal distribution via e-mail:

E. Collins, RA
 A. Howell, D:DNMS
 C. Cain, DD:DNMS
 J. Whitten, C:DNMS/NMSB-B
 M. Herrera, Fee Coordinator
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Hard Copy:

RIV Materials Docket File
 DNMS Secretarial File

S:\DNMS\!NMIB\~Reports in Concurrence\Goldsmith Heck Cover Letter for NOV w-SLIV Violation
 ML101970514

ADAMS	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> SUNSI Review Complete	Reviewer Initials: LD
	<input checked="" type="checkbox"/> Publicly Available		<input checked="" type="checkbox"/> Nonsensitive	
	<input type="checkbox"/> Nonpublicly Available		<input type="checkbox"/> Sensitive	
RIV:DNMS/NMSB-A	C:DNMS/NMSB-A			
LDonovan;dlf	VHCampbell			
/RA/	/RA/ CLCain for			
7/14/10	7/16/10			

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NOTICE OF VIOLATION

Goldsmith Heck Engineers, Inc.
Mobridge, South Dakota

Docket: 030-34989
License: 40-27625-01

During an NRC inspection conducted on May 18, 2010, with in-office review until June 1, 2010, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR Part 30.34(c) states, in part, that "each person licensed by the Commission pursuant to the regulations in this part . . . shall confine his possession and use of the byproduct material to the locations and purposes authorized in the license."

License Condition 21 of NRC License 40-27625-01 requires the licensee to "conduct its program in accordance with the statements, representations and procedures contained in the documents, including any enclosures, listed below." License Condition 21.A under this license condition references the license application dated March 3, 2009.

License application dated March 3, 2009, Section 10 "Radiation Safety Program," states, in part, that the licensee will "possess and use or have access to and use a radiation safety meter that meets the criteria in the section entitled "Radiation Safety Program Instruments" in NUREG-1556 Volume 1"

Section 8.10.3 "Instruments" of NUREG-1556, Volume 1, requires a radiation survey meter should "be capable of detecting gamma radiation; and be checked for functionality before use."

Contrary to the above, on May 18, 2010, the licensee's radiation survey meter was found not to respond to the presence of gamma radiation. Specifically, the licensee's meter did not detect the presence of radiation, due in part to the meter being out of calibration since the licensee's survey meter had not been calibrated for response to radiation since 1999.

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

Pursuant to the provisions of 10 CFR 2.201, Goldsmith Heck Engineers, Inc. is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator, Region IV 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 or severity level, (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.

Enclosure

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response 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 www.nrc.gov/reading-rm/pdr.html or www.nrc.gov/reading-rm/adams.html, to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

In accordance with 10 CFR 19.11, you may be required to post this Notice within 2 working days.

Dated this 16th day of July 2010