



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION I
2100 RENAISSANCE BLVD., SUITE 100
KING OF PRUSSIA, PA 19406-2713

February 24, 2014

EA-13-227

Andrew Mazzeo
Northeast Operations Manager
Tetra Tech, Inc.
240 Continental Drive
Newark, DE 19713

SUBJECT: TETRA TECH, INC. NOTICE OF VIOLATION - NRC INSPECTION REPORT
NO. 03020685/2013001

Dear Mr. Mazzeo:

This letter provides you the NRC enforcement decision for the apparent violation identified during the onsite NRC inspection conducted on October 22, 2013, at the Tetra Tech, Inc. (Tetra Tech) facility in Newark, Delaware. The inspection consisted of observations of licensed activities, interviews with Tetra Tech personnel, and examination of selective records to evaluate Tetra Tech's licensed activities as they relate to radiation safety and to compliance with NRC regulations. In addition to the onsite review, the inspection also involved an in-office review of additional information provided by Tetra Tech in an electronic mail message dated January 13, 2014 (ML14029A139¹). Scott Wilson, Health Physicist, NRC Region I Commercial, Industrial, R&D, and Academic Branch, discussed the apparent violation during a telephonic exit meeting on January 14, 2014, with you and Ralph Boedeker of your organization. The apparent violation was also described in the NRC inspection report sent to you with a letter dated January 28, 2014 (ML14028A606).

In the January 28, 2014, letter transmitting the inspection report, we provided you an opportunity to address the apparent violation by either attending a pre-decisional enforcement conference (PEC) or by providing a written response before we made our final enforcement decision. In the letter, we also informed you that we had sufficient information regarding the apparent violation and Tetra Tech's corrective actions to make an enforcement decision without the need for a PEC or a written response from you. In a telephone call on January 31, 2014, Mr. Boedeker informed Blake Welling, Chief, NRC Region I Commercial, Industrial, R&D, and Academic Branch, that Tetra Tech did not require a PEC nor intended to send a written response.

¹ Designation in parentheses refers to an Agency-wide Documents Access and Management System (ADAMS) accession number. Documents referenced in this letter are publicly-available using the accession number in ADAMS.

Based on the information developed during the inspection, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the subject inspection report. The violation involved the performance by Tetra Tech staff of unauthorized maintenance on portable nuclear gauges that included detaching a source rod for cleaning and lubrication. Condition 17 of Tetra Tech's NRC license explicitly prohibits this activity other than by persons specifically licensed by the NRC to perform such services. Further, although a concrete shield was used to reduce the radiation exposure from the source during the maintenance activity, the maintenance was conducted without use of a written, approved procedure or use of a survey instrument. The NRC determined that no individuals received radiation exposure in excess of the regulatory dose limits as a result of this activity; however, the potential existed for this to have occurred. Accordingly, this violation has been categorized at Severity Level (SL) III.

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$3,500 is considered for a SL III violation. Because your facility has not been the subject of escalated enforcement action within either the last two years or the two most recent inspections, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy. The NRC has concluded that credit is warranted for Tetra Tech's corrective actions taken to address the violation. Specifically, the Tetra Tech Radiation Safety Officer: (1) immediately communicated the issue to all gauge authorized users and ceased all non-routine gauge maintenance activities; and (2) performed a comprehensive review of the NRC license and its conditions, as well as related NRC guidance. Therefore, in recognition of the absence of previous escalated enforcement action, and to encourage prompt and comprehensive correction of violations, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty. In addition, issuance of this SL III violation constitutes an escalated enforcement action that may subject you to increased inspection effort.

The NRC has concluded that information regarding: (1) the reasons for the violation; (2) the actions planned or already taken to correct the violation and prevent recurrence; and, (3) the date when full compliance was achieved, is already adequately addressed on the docket in Inspection Report No. 03020685/2013001 and in this letter. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure 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 Website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response, if you choose to provide one, 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, 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 information, 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). The NRC also includes significant enforcement actions on its Web site at (<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>).

Sincerely,

/RA David C. Lew for:/

William M. Dean
Regional Administrator

Docket No. 03020685
License No. 07-15599-02

Enclosure: Notice of Violation

cc w/enclosure:
Ralph Boedeker, Radiation Safety Officer
State of Delaware

such information, 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). The NRC also includes significant enforcement actions on its Web site at (<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>).

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Docket No. 03020685
License No. 07-15599-02

Enclosure: Notice of Violation

cc w/enclosure:
Ralph Boedeker, Radiation Safety Officer
State of Delaware

Distribution: see next page

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DOCUMENT NAME: S:\Enf-allg\Enforcement\Proposed-Actions\Region1\Tetra Tech NOV-III EA-13-227.docx

ML14055A340

X SUNSI Review/MMM		<input checked="" type="checkbox"/> Non-Sensitive <input type="checkbox"/> Sensitive		<input checked="" type="checkbox"/> Publicly Available <input type="checkbox"/> Non-Publicly Available	
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NAME	M McLaughlin/ MMM*	B Welling/ BDW*	J Clifford/ JWC*	B Klukan/ BMK*	B Bickett/ BAB*
DATE	2/10/14	2/11/14	2/11/14	2/12/14	2/12/14
OFFICE	OE**	RA			
NAME	L Sreenivas by email	WDean/DLew for			
DATE	2/20/14	02/21/14			

* See previous concurrence page ** OE to perform a quick review

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M Burgess, FSME

Enforcement Coordinators

RII, RIII, RIV (C Evans; S Orth; V Campbell)

C Scott, OGC

H Harrington, OPA

H Bell, OIG

C McCrary, OI

M Williams, OCFO

L Bates, OCFO

J Clifford, DNMS, RI

D Collins, DNMS, RI

B Welling, DNMS, RI

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D Bearde, ORA, RI

S Villar, RI

Region I OE Files (with concurrences)

NOTICE OF VIOLATION

Tetra Tech, Inc.
Newark, Delaware

Docket No. 03020685
License No. 07-15599-02
EA-13-227

During an NRC inspection conducted between October 22, 2013, and January 14, 2014 (which included an on-site inspection as well as an in-office review of information provided by Tetra Tech, Inc.), for which an exit meeting was conducted on January 14, 2014, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 30.34(c) requires, in part, that each person licensed by the commission pursuant to the regulations in Part 30 shall confine his possession and use of the byproduct material to the locations and purposes authorized in the license.

NRC License No. 07-15599-02, Condition 17, requires that any cleaning, maintenance, or repair of the gauges that requires detaching the source or source rod from the gauge shall be performed only by the manufacturer or by other persons specifically licensed by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services.

Contrary to the above, on multiple occasions between June 7, 2006 and October 22, 2013, Tetra Tech, Inc. (Tetra Tech) did not confine possession and use of the byproduct material to the locations and purposes authorized in the license. Specifically, Tetra Tech personnel conducted maintenance of portable nuclear gauges that required detaching the source rod from the gauge, and Tetra Tech was not specifically licensed by the NRC or an Agreement State to perform such services.

This is a Severity Level III violation (Enforcement Policy Example Section 6.3).

The NRC has concluded that information regarding: (1) the reason for the violation; (2) the actions planned or already taken to correct the violation and prevent recurrence; and (3) the date when full compliance was achieved, is already adequately addressed on the docket in Inspection Report No. 03020685/2013001 and in the letter transmitting this Notice. Therefore, you are not required to respond to this Notice. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation EA-13-227," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region I, 2100 Renaissance Boulevard, Suite 100, King of Prussia, PA 19406, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you choose to respond, 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 <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Notice of Violation

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

Dated this 24th day of February, 2014