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NRC Proposes \$3,500 Fine Against Virginia Engineering Company

The Nuclear Regulatory Commission has proposed a \$3,500 civil penalty for a Fredericksburg, Va., engineering firm for failing to obtain required approvals from the NRC prior to performing work on numerous occasions in Washington, D.C., and at a U.S. Marine Corps base in Virginia. The work involved portable nuclear gauges used for such purposes as measuring the density of soil at construction sites.

The enforcement action against Dominion Engineering Associates Inc. is based on an investigation conducted by the NRC's Office of Investigations between April 22, 2013, and Jan. 31, 2014.

Virginia is an "Agreement State," which means that under an agreement with the NRC, it oversees the use of nuclear materials within its borders that otherwise would be regulated by the NRC. However, such activities performed at federal facilities within Agreement States, as well as at any sites in Non-Agreement States or in the District of Columbia, are under the jurisdiction of the NRC. As such, those activities must be approved by the NRC under a process known as "reciprocity."

Dominion Engineering did not adhere to this reciprocity requirement and used portable nuclear gauges on approximately 42 occasions between Nov. 19, 2010, and April 17, 2013, in Washington, D.C., and at the Marine Corps base in Quantico, Va. The locations in the District of Columbia and the base are areas of exclusive federal jurisdiction.

"Dominion Engineering's failure to file for reciprocity interfered with the NRC's ability to inspect the company's activities and ensure these gauges were being appropriately used," NRC Region I Administrator Dan Dorman said.

In a letter issued on Aug. 11, 2014, the NRC provided Dominion Engineering the opportunity to respond to the apparent violation by attending a predecisional enforcement conference or in writing. The company wrote to the NRC on Sept. 1, 2014, to acknowledge that the apparent violation occurred. The firm also stated it had implemented several corrective actions. These actions include obtaining a non-nuclear gauge to conduct work in areas of exclusive federal jurisdiction and in areas not authorized by the company's Virginia nuclear materials license.