



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION I  
2100 RENAISSANCE BOULEVARD, SUITE 100  
KING OF PRUSSIA, PA 19406-2713

April 18, 2016

Docket No. 03038815  
EA-16-072

License No. 01-35218-01

David L. Johnson, P.E.  
CMT Division Manager  
Bhate Geosciences Corporation  
5217 5th Avenue South  
Birmingham, AL 35212

**SUBJECT: NRC INSPECTION REPORT NO. 03038815/2016001, BHATE GEOSCIENCES CORPORATION, BIRMINGHAM, ALABAMA AND D'IBERVILLE, MISSISSIPPI SITES, EXERCISE OF ENFORCEMENT DISCRETION AND NOTICE OF VIOLATION**

Dear Mr. Johnson:

On March 22, 25, and 28, 2016, Scott Wilson of this office conducted a safety inspection at the above address and the field office located at 3295 Warrior Drive, D'Iberville, Mississippi, 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 selective examination of representative records. The findings of the inspection were discussed with Arthur Harding and Joel Kozlowski of your organization at the conclusion of the inspection.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation involved the failure to use two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever the portable gauges were not under your control and constant surveillance as required by 10 CFR 30.34(i).

The above stated violation of 10 CFR 30.34(i) was identified by the inspector and is described in the enclosed Notice of Violation. In accordance with the NRC's Enforcement Policy, although such violations are normally categorized at Severity Level III and considered for escalated enforcement action, because: 1) one physical control existed to prevent loss or theft of the portable gauge; 2) you retained possession of the gauge; 3) the violation was isolated in nature; and 4) no indication of programmatic weakness was identified, the NRC is exercising enforcement discretion to categorize this violation as Severity Level IV.

In response to this finding, you indicated that you did not fully understand the requirement until it was explained to you by the inspector. You also stated during the telephonic exit meeting on March 28, 2016, with Scott Wilson of this office that you have taken corrective and preventative actions to address the violation and that Bhate Geosciences Corporation is committed to radiation safety and to compliance with NRC regulations. Further, you stated that Bhate Geosciences Corporation would acquire and install additional locking devices for use in securing

the gauges, and that all authorized users will be informed of the proper protocol for securing gauges when not under their direct control. You also stated that the corrective and preventative actions would be completed within 30 days.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed in this letter and our records. Therefore, you are not required to respond to this letter unless the description of your corrective actions in this letter 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, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC website 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.

Current NRC regulations and guidance are included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

Please contact Scott Wilson at 610-337-5136 if you have any questions regarding this matter.

Sincerely,

*/RA/*

James M. Trapp, Director  
Division of Nuclear Materials Safety

Enclosure:  
Notice of Violation

cc w/Enclosure: Arthur Harding, Assistant  
Radiation Safety Officer  
State of Alabama  
State of Mississippi

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Enclosure:  
Notice of Violation

cc w/Enclosure: Arthur Harding, Assistant  
Radiation Safety Officer  
State of Alabama  
State of Mississippi

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**SUNSI Review Complete:**

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OFFICE	DNMS/RI	N	DNMS/RI		ORA/RI	N	DNMS/RI	N
NAME	SWilson/sw*		MFord/mf*		MMcLaughlin/mmm*		JTrapp/jmt	
DATE	04/11/2016		4/12/2016		4/13/2016		4/18/2016	

\*see previous concurrence

## **NOTICE OF VIOLATION**

Bhate Geosciences Corporation  
Birmingham, AL

Docket No. 03038815  
License No. 01-35218-01

During an NRC inspection conducted on March 22, 25, and 28, 2016, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 30.34(i) requires, in part, that each portable gauge licensee shall use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.

Contrary to the above, on multiple occasions between May 4, 2015, and March 22, 2016, Bhate Geosciences Corporation did not use a minimum of two independent physical controls that formed tangible barriers to secure portable gauges from unauthorized removal whenever portable gauges were not under the control and constant surveillance of the licensee. Specifically, Bhate Geosciences Corporation employees had secured portable gauges within vehicles at temporary jobsites and the portable gauges were secured from unauthorized removal with only one independent physical control.

This is a Severity Level IV violation (EGM-11-004).

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance will be achieved is already adequately addressed on the docket. 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," and send it 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).

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 of receipt.

Dated This 18th day of April 2016