



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

August 12, 2016

Docket No. 03038756

License No. 47-35159-01

Kurt Newbrough  
President  
Energy Surveys, Inc.  
418 Mayo Road  
Clarksburg, WV 26301

SUBJECT: NRC INSPECTION REPORT NO. 03038756/2016001, ENERGY SURVEYS, INC, CLARKSBURG, WEST VIRGINIA SITE AND NOTICE OF VIOLATION

Dear Mr. Newbrough:

On May 26, 2016, Craig Gordon of this office conducted a safety inspection at your Clarksburg, West Virginia facility. 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. Additional information provided in your correspondence dated May 27, 2016, and the telephone conversation on August 1, 2016, between Mr. Scott Shaver of your organization and Mr. Gordon were also examined as part of the inspection. The findings of the inspection were discussed with you 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 failure to obtain the Commission's consent in writing prior to transfer of control of Energy Surveys, Inc. The violation is cited in the enclosed Notice of Violation (Notice), because the violation was identified by the NRC.

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

K. Newbrough

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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 Craig Gordon at 610-337-5216 if you have any questions regarding this matter.

Sincerely,

*/RA/*

Blake D. Welling, Chief  
Commercial, Industrial, R&D and  
Academic Branch  
Division of Nuclear Materials Safety

Enclosure:  
Notice of Violation

cc w/Enclosure: State of West Virginia

K. Newbrough

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Enclosure:  
Notice of Violation

cc w/Enclosure: State of West Virginia

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OFFICE	DNMS/RI	N	DNMS/RI				
NAME	CGordon\cg		BWelling\bw				
DATE	8/ 8 /16		8/ 12 /16				

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## **NOTICE OF VIOLATION**

Energy Surveys, Inc  
Clarksburg, WV

Docket No. 03038756  
License No. 47-35159-01

During an NRC inspection conducted on May 26, 2016, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

- A. 10 CFR 30.34(b)(1) requires, in part, that transfer of control of any license to any person is not permitted unless the Commission gives its consent in writing.

Contrary to the above, on January 26, 2016, Energy Surveys, Inc., transferred ownership control to Audubon Field Solutions, Houston, Texas, without the Commission giving consent in writing.

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

Pursuant to the provisions of 10 CFR 2.201, Energy Surveys, Inc. is hereby required to submit a written statement or explanation 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). 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, (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.

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 12 day of August 2016