



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352
March 14, 2017

EA-16-274

Mr. Michael R. Donnelly
Radiation Safety Officer
Terracon Consultants, Inc.
4765 West Junction Street
Springfield, MO 65802

SUBJECT: NOTICE OF VIOLATION – TERRACON CONSULTANTS, INC.; NRC ROUTINE INSPECTION REPORT NO. 03038835/2016001(DNMS)

Dear Mr. Donnelly:

This refers to the U.S. Nuclear Regulatory Commission (NRC) inspection conducted on November 29, 2016, at your facility in Springfield, Missouri, with continued in-office review through January 3, 2017. The purpose of the inspection was to review activities performed under your NRC license to ensure that activities were being performed in accordance with NRC requirements. During the inspection, an apparent violation of NRC requirements was identified. The circumstances surrounding this apparent violation, the significance of the issue, and the need for lasting and effective corrective actions was discussed with you during a telephone exit meeting on January 3, 2017. Details regarding the apparent violation were provided in NRC Inspection Report No. 03038835/2016001(DNMS), dated January 19, 2017.

In the letter transmitting the inspection report, we provided you with the opportunity to address the apparent violations identified in the report by either attending a predecisional enforcement conference or by providing a written response before we made our final enforcement decision. In a letter received by the NRC on February 7, 2017, you provided a response to the apparent violation.

Based on the information developed during the inspection, as well as the information you provided in your response that was received on February 7, 2017, the NRC has determined that a Security-Related Severity Level III violation of NRC requirements occurred as cited in the enclosed Notice of Violation (Notice), provided as Enclosure 1 (Non-Public). The Final Determination of Significance in Enclosure 2 (Non-Public) provides the basis for the NRC's conclusion. The circumstances surrounding the violation were described in detail in the

Enclosures 1 and 2 contain Sensitive Unclassified Non-Safeguards Information. Upon separation, this cover letter is DECONTROLLED.

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inspection report dated January 19, 2017. In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$14,000 is considered for a Severity Level III violation.

Because your facility has not been the subject of escalated enforcement actions within the last two 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. Corrective actions for the violation are documented in Enclosure 2. Based on these corrective actions, the NRC has determined that *Corrective Action* credit is warranted.

Therefore, to encourage prompt and comprehensive correction of violations, and in recognition of the absence of previous escalated enforcement action, 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 Severity Level III violation constitutes escalated enforcement action that may subject you to increased inspection effort.

The NRC has concluded that information regarding: (1) the reason for the violation; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in Inspection Report No. 03038835/2016001(DNMS), your written response received on February 7, 2017, and Enclosure 2 of 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 Title 10 of the *Code of Federal Regulations* (CFR) 2.390 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room and in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. However, the material in Enclosures 1 and 2 contain Security-Related Information in accordance with 10 CFR 2.390(d)(1) and its disclosure to unauthorized individuals could present a security vulnerability. Therefore, the material in Enclosures 1 and 2 will not be made available electronically for public inspection in the NRC Public Document Room or in ADAMS. If Security-Related Information is necessary

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to provide an acceptable response, please mark your entire response “Security-Related Information – Withhold Under 10 CFR 2.390” and follow the instructions for withholding in 10 CFR 2.390(b)(1). In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response.

Sincerely,

/RA by Darrell Roberts Acting for/

Cynthia D. Pederson
Regional Administrator

Docket No. 03038835
License No. 24-35241-01

Enclosures:

1. Notice of Violation (Non-Public)
2. Final Determination of Significance (Non-Public)

cc w/o encls: State of Missouri

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Letter to Michael Donnelly from Cynthia D. Pederson dated March 14, 2017

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ROUTINE INSPECTION REPORT NO. 03038835/2016001(DNMS)

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¹ OE Concurrence received by email from Leelavathi Sreenivas on March 13, 2017