



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD – SUITE 102
KING OF PRUSSIA, PA 19406-1415

September 7, 2023

Sara Smith, President
SLS Land & Energy Development
P.O. Box 150
Glennville, West Virginia 26351

**SUBJECT: SLS LAND & ENERGY DEVELOPMENT – NRC INSPECTION REPORT
NO. 030-38570/2023-001 AND NOTICE OF VIOLATION**

Dear Sara Smith:

This letter refers to the non-routine inspection conducted on June 6, 2023, concerning your nuclear portable gauges and the radiation protection program. This inspection examined activities conducted under your license as they relate to public health and safety, and to confirm compliance with the Commission's rules and regulations and with the conditions of your license. Particularly, the inspection focused on the expiration of your NRC license on September 30, 2022, and the activities performed by SLS Land & Energy Development since this date. Within these areas, the inspection consisted of selected examination of procedures and representative records, independent radiation surveys, and interviews with personnel. The preliminary inspection findings were discussed with you telephonically, along with representatives of your staff following the onsite portion of the inspection on June 6, 2023. Following the termination of the NRC license on August 23, 2023, a final telephonic exit briefing was conducted with you on September 6, 2023.

Based on the results of this inspection, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. This violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation involved the transportation and use of a portable nuclear gauge without having tested for leakage and/or contamination at the 12-month interval specified in the certificate of registration issued for the portable gauge. To correct this violation, SLS Land & Energy Development performed a leak test of each of its possessed portable nuclear gauges, which resulted in no removable contamination of concern being identified. In addition, the licensee returned the gauges to the manufacturer and requested the termination of its license in an NRC Form 314 "Certificate of Disposition of Materials" dated August 17, 2023 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML23235A087).

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 will be (was) achieved is already adequately addressed on the docket in the enclosed Notice of Violation. 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 and Procedure," a copy of this letter and your response will be made available electronically for public inspection in the NRC Public Document Room located at NRC Headquarters in Rockville, MD, and from the NRC's document system, the ADAMS, accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy or proprietary information so that it can be made available to the Public without redaction.

If you have any questions regarding this matter, please contact Jason vonEhr of my staff at (610) 337-5256 or via electronic mail at Jason.vonEhr@nrc.gov.

Thank you for your cooperation.

Sincerely,

Christopher G. Cahill

Digitally signed by Christopher G. Cahill
Date: 2023.09.07 08:47:31 -04'00'

Christopher Cahill, Chief
Commercial, Industrial, R&D
and Academic Branch
Division of Radiological Safety and Security
Region I

Docket No. 030-38570
License No. 47-31480-01

Enclosure:
Notice of Violation

cc w/ enclosure
T. Patton, Director
Radiation, Toxics, Indoor Air
Radiological Health Program
Office of Environmental Health Services
350 Capitol Street, Suite 313
Charleston, WV 25301-1798

SLS LAND & ENERGY DEVELOPMENT – NRC INSPECTION REPORT NO.
030-38570/2023-001 AND NOTICE OF VIOLATION DATED SEPTEMBER 7, 2023

DISTRIBUTION:
None

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OFFICE	RI:DRSS	RI:DRSS			
NAME	Jason vonEhr	Christopher Cahill			
DATE	09/07/2023	09/07/2023			

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

SLS Land & Energy Development
Glenville, WV

Docket No. 030-38570
License No. 47-31480-01

During an NRC inspection conducted on June 6, 2023, with in-office review through August 24, 2023, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

License Condition 14.A of NRC License No. 47-31480-01, Amendment No. 4, dated June 5, 2018, requires, in part, that sealed sources shall be tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or by an Agreement State.

The certificate of registration for the Troxler Electronic Laboratories, Inc. Model 3400 Series, NC-646-D-130-S, dated April 4, 2007, requires a leak test frequency of 12 months.

Contrary to the above, on March 1, 2022, the licensee failed to ensure that a sealed source was tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or by an Agreement State. Specifically, the licensee used a Troxler Electronic Laboratories, Inc. Model 3400 series portable nuclear gauge on March 1, 2022, which was leak tested last on September 17, 2020, a period greater than 12 months.

This is a Severity Level IV violation (NRC Enforcement Policy Section 6.7.d.4).

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. Specifically, the licensed operations were winding down and the RSO had ceased most oversight activities, resulting in the gauge not having been leak tested in a timely manner. The noncompliance was addressed by the performance of a new leak test on July 5, 2023, which confirmed the absence of removable contamination. In addition, the licensee requested termination of its NRC license on August 17, 2023, following the transfer of all NRC-licensed materials to the manufacturer. This termination was completed by the NRC on August 23, 2023.

You are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to otherwise 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, should you choose to provide one, 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 publicly

Enclosure

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 7th day of September 2023