



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

February 15, 2007

Docket No. 03035002
EA No. 06-321

License No. 45-25467-01

R. Drew Thomas
Radiation Safety Officer
GeoConcepts Engineering, Inc.
19955 Highland Vista Drive, Suite 170
Ashburn, VA 20147

**SUBJECT: INSPECTION NO. 03035002/2006001, GEOCONCEPTS ENGINEERING, INC.,
ASHBURN, VIRGINIA SITE AND THE CHARLESTOWN, WEST VIRGINIA,
AND THE LEESBURG, VIRGINIA FIELD SITES AND NOTICE OF VIOLATION**

Dear Mr. Thomas:

On October 16, 17, 19, and December 19, 2006, Dick Ladun of this office conducted a safety inspection at the above address and at field sites located in Charlestown, West Virginia, and Ashburn and Leesburg, Virginia 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 your license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selected examination of representative records. The findings of the inspection were discussed with you at the conclusion of the inspection and on February 9, 2007, by telephone.

Based on the results of this inspection, the NRC has determined that four violations of the NRC requirements occurred. The violations are cited in the enclosed Notice of Violation (Notice). One of the violations involved the failure to provide two independent physical controls to secure a portable gauge from unauthorized removal, contrary to 10 CFR 30.34(i). 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) you took appropriate action to correct the violation and prevent recurrence of similar violations in the future, and (4) the violation was not willful, we are exercising enforcement discretion to categorize this violation at Severity Level IV. However, any future violations of 10 CFR 30.34(i) will be categorized at Severity Level III and evaluated for a civil penalty in accordance with Section VI. C. of the Enforcement Policy.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

R. Thomas
GeoConcepts Engineering, Inc.

2

Current NRC regulations are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material**; then **Toolkit Index Page**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **What We Do, Enforcement**, then **Enforcement Policy**. Or you may obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 8:00 p.m. EST, Monday through Friday (except Federal holidays).

Your cooperation with us is appreciated.

Sincerely,

Original signed by John D. Kinneman

Brian Holian, Director
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
Commonwealth of Virginia
State of West Virginia

R. Thomas
GeoConcepts Engineering, Inc.

3

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NOTICE OF VIOLATION

GeoConcepts Engineering, Inc.
Ashburn, VA

Docket No. 03035002
License No. 45-25467-01
EA-06-321

During an NRC inspection conducted on October 16, 17, 19, and December 19, 2006, four violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 30.34(i) states 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 October 16, 2006, an authorized user did not use two independent physical controls to secure a gauge from unauthorized removal when it was not under his constant surveillance and control when stored inside a vehicle at a construction site located near Leesburg, Virginia. Specifically, only one physical control was used to secure the device when it was not under his control and constant surveillance.

This is a Severity Level IV violation (Supplement IV).

- B. 10 CFR 20.1101(c) requires that the licensee shall periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, as of October 19, 2006, the licensee failed to perform the required periodic review of the radiation protection program. Specifically, a review of the radiation protection program content and execution was not conducted in 2005.

This is a Severity Level IV violation (Supplement IV).

- C. 10 CFR 30.34(c) requires in part that the licensee confine possession and use of radioactive active material to the locations authorized in the license.

License Condition 10 of License No. 45-25467-01 requires, in part, that radioactive material be used or stored at 19955 Highland Vista Drive, Ashburn, Virginia or at temporary job sites.

Contrary to the above, as of October 19, 2006, the licensee did not confine possession and use of radioactive material to locations authorized in the license. Specifically, the licensee used, stored, and transported licensed material from a trailer located at a Charlestown, West Virginia construction project. This location was used as a permanent field office since January 2006 and not a temporary job site.

This is a Severity Level IV violation (Supplement VI).

- D. Condition 17 of License No. 45-25467-01 requires that each portable gauge or its container be locked when in transport, in storage, or when not under the direct surveillance of an authorized user.

Contrary to the above, on October 16, 2006, the authorized user failed to lock the gauge or its container when the device was in storage inside his vehicle and not under direct surveillance at a temporary field site located near Ashburn, Virginia.

This is a Severity Level IV violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, GeoConcepts Engineering, 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 EA-06-321" 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.

Dated This 15 day of February 2007