



Department of Health

Three Capitol Hill
Providence, RI 02908-5097

TTY: 711
www.health.ri.gov

October 7, 2011

George J. Geisser III, P.E., President
Geisser Engineering Corporation
227 Wampanoag Trail
Riverside, RI 02915-2211

License No: 3L-050-01
Inspection No: 11-01

Dear Mr. Geisser:

The Office of Facilities Regulation, Radiation Control Program completed an inspection at your facility on June 20, 2011. I apologize for the delay in forwarding our formal report. The inspection was an examination of activities to determine compliance with the Rhode Island Rules and Regulations for the Control of Radiation (23-1.3-RAD) and the conditions of your license. The inspection consisted of a selective examination of procedures and representative records, interviews with personnel, and observations made by the inspector. Our inspection was also a follow-up review regarding the steps you have taken to correct items of non-compliance brought to your attention in a letters dated 2 August 2005, 29 November 2005 and 15 March 2006.

Based on the results of this inspection, it appears that certain of your activities were not conducted in full compliance with Radiation Control Agency requirements, as set forth in the attached Notice of Violations enclosed herewith as Appendix A. These violations are categorized by Severity level in accordance with the RCA Enforcement Policy and Procedures (1 May 2001). We note that numerous citations are recurrent violations. You are required to respond to this letter with your plan for correction of all violations. In preparing your response, please follow the instructions outlined in Appendix A.

Lastly, during this inspection, it was determined that your company conducted licensed activities in the State of Massachusetts (MA) without a reciprocal authorization and activities on Federal property, at the Newport Naval base in Rhode Island, without Nuclear Regulatory Commission (NRC) authorization. This was discussed during my exit meeting with you. These agencies must be notified regarding reciprocity if you intend to conduct activities at facilities under their jurisdiction in the future.

We are concerned that the non-compliance identified in Appendix A reflects a failure of your management control system that permitted these violations to continue over an extended period of time. Subsequently, I am scheduling an Enforcement Conference for 1:30 p.m., on Tuesday, October 18, 2011 at the Department of Health in room 306 and require that you attend and participate in the conference. The purpose of this meeting is for you to report on the status of your plan of correction and what actions you have implemented to ensure your center will achieve and *maintain* compliance with the regulations.

If this date is not convenient, or you have questions regarding the licensing process, please contact me at: 401-222-2566.

Thank you,

A handwritten signature in black ink that reads "Ray Rusin".

Raymond Rusin, Chief
Office of Facilities Regulation

cc: Bob Gallagher- State of MA Radiation Control Program
Monica Orendi- United States Nuclear Regulatory Commission

APPENDIX A

NOTICE OF VIOLATION

Geisser Engineering Corporation
227 Wampanoag Trail
Riverside RI 02915-221

Radiation Materials
License No: 3L-050-01

Inspection Date: 6-20-11
Inspection No: 11-01

Ref: Title 23, Chapter 1.3

Geisser Engineering Corporation is not in compliance with the Rhode Island Rules and Regulations for the Control of Radiation (R23-1-3-RAD) and the Conditions of their License No: 3L-050-01.

The deficient practices are as follows:

1. Condition 16 of your license requires that each portable gauge shall have a lock or an outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position. Additionally, Condition 16 of your license requires the gauge or its container to be locked when in transport, storage, or when not under the direct surveillance of an authorized user. Condition 17 requires the use of two independent physical controls that form substantial barriers to secure portable gauges from unauthorized removal whenever portable gauges are not under the control and constant surveillance of the licensee.

Contrary to these requirements, as of 20 June 2011, numerous gauges were stored without trigger locks, placed on top of unlocked transport cases, not secured by any means (chains/cables), in an unlocked RAM storage room with the door open. The RAM storage room was located within an unsecured/unattended area of the building with an unlocked exit/entry access door held open to an unguarded public parking lot. The open RAM storage room was visible from the parking lot.

This is a Severity Level III violation.

2. Condition 22 of your license requires that you conduct your activities in accordance with statements and representations made in your renewal application dated 27 October 2003 and supplementary documents referenced in that condition. Your "Operating, Emergency, and Security Procedures" include the requirements found in U.S. Nuclear Regulatory Commission Program Specific Guidance About Portable Nuclear Gauges: NUREG-1556 Vol. 1, Rev.1. The Radiation Control Agency's regulations shall govern unless more restrictive licensee specific procedures have been approved.

Contrary to these requirements, as of 20 June 2011:

- The Radiation Safety Officer (RSO) was terminated in Jan 2011 with no notice regarding change of license conditions communicated to RIDOH. No acting RSO formally named. Duties of RSO position were not formally transferred or conducted.
- Numerous gauges inappropriately labeled; no source label on handle, obliterated manufacturer metal stamp, no trefoil warning, no RAM warning.
- Transport cases inappropriately labeled; no Rad II label, illegible Rad II labels.
- No locks in place on any of the cases within the RAM storage room.
- Leak testing exceeded the 6-month interval for numerous gauges routinely utilized in the field. Currently, numerous gauges identified as available for use are out of compliance.
- Improper records documentation per utilization logs; numerous omissions of sign-in time and ops-check.
- Six-month gauge/source inventories were not conducted; numerous occasions.
- Notice to Workers was not posted (A.6.2) in any area of facility.
- A current copy of the RI Rules and Regulations for the Control of Radiation was not maintained on-site.

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2. Condition 22 - continued

- Transport case shipping documentation packets do not contain; copy of current license, correct emergency contact individual, emergency procedures, device procedure manual.
- Annual and termination dosimetry reports were not provided to individuals. Minimally, nine terminations with no record of reports (June 2006-June 2011)
- Dosimetry badges not returned to vendor for reading within quarterly frequency.
- Dosimetry reports missing from Dec 2010 to present.
- A dosimetry report indicated reading of 620mR/Qtr for the period ending April 9 2007 with no documentation of investigation, corrective action taken, or follow-up.

These Items constitute an aggregate Severity Level III violation.

3. Condition 9 (A-B) of your license determines conditions of the use of radioactive materials at temporary jobsites in areas under exclusive federal jurisdiction or outside the State of Rhode Island. In part, this condition requires that you obtain any required license permit or other approval required by the radiation control program (U.S. Nuclear Regulatory Commission or Agreement State) with jurisdiction over the proposed location of use prior to any use of radioactive material in that jurisdiction.

Contrary to these requirements, as of 20 June 2011:

- Utilization records document gauge use in MA without reciprocal authorization during, the still current, period of prohibition banning RAM use in MA.
- Utilization records document requisition of gauges under RI license and generating from RI facility for use in federal jurisdiction (NRC regulated), Newport Naval base, while out of leak test frequency, without appropriate transport documentation or device labeling and without reciprocal authorization.

These Items constitute a Severity Level III violation.

4. Condition 10 of your license requires that individuals complete a device manufacturer's training course; these individuals are designated as authorized users. You are required to maintain training documentation concerning all authorized users.

a. Contrary to these requirements, as of 20 June 2011:

Documentation of training for all current authorized users was not available for inspection.

This is a Severity Level III violation.

5. Section A.6.3 of the RCA Regulations requires that specific instruction be provided to individuals who are likely to receive an annual dose in excess of 1mSv (100 mR).

Contrary to this requirement, as of 20 June 2011, based on observations and documents reviewed, individuals utilizing portable gauges did not demonstrate familiarity with the instruction items outlined in this Section.

This is a Severity Level III violation.

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6. Section A.5 and Part A, Appendix G of the RCA Regulations require that records, reports and additional requirements regarding the transfer of radioactive materials be documented, retained and made available for inspection.

Contrary to this requirement, as of 20 June 2011, records pertaining to the transfer for disposal of three gauges were not available for inspection.

This is a Severity Level III violation.

Required plan of correction:

Pursuant to the provisions of Section A.7.1 of the Rules and Regulations for the Control of Radiation, Geisser Engineering Corporation is required to submit to this office within ten-10 days of receipt of this Notice, a written statement or explanation in reply to the identified violations.

This reply should be clearly marked "Reply to Notice of Violation-6-20-11" and should include for each violation (Items 1-6):

- a. The corrective steps already implemented and the results achieved.
- b. Corrective actions and completion dates for items not already corrected.
- c. The date when full compliance will be achieved.

Your response may reference or include previous correspondence or communication with our office if such correspondence adequately addresses and identified issue.

Please forward your completed plan of correction to:

Office of Facilities Regulation
Radiation Control Program
3 Capitol Hill, Room 305
Providence RI 02809