

November 21, 2011

EA-11-070

Tadeusz W. Lewis, P.E.  
Principal  
GeoConcepts Engineering, Inc.  
19955 Highland Vista Drive, Suite 170  
Ashburn, VA 20147

SUBJECT: ACKNOWLEDGEMENT OF CIVIL PENALTY PAYMENT BY GEOCONCEPTS  
ENGINEERING, INC.

Dear Mr. Lewis:

This letter refers to your September 4, 2011, letter in which you described GeoConcepts Engineering, Inc.'s (GCE's) response to the Notice of Violation and Proposed Imposition of Civil Penalty issued by the U.S. Nuclear Regulatory Commission (NRC) on August 9, 2011 (ML112210084)<sup>1</sup>. The NRC acknowledges receipt of GCE's payment of the \$3,500 civil penalty. GCE's corrective actions will be examined during future inspections.

In your September 4, 2011, letter (ML112510477), you also referred to the pre-decisional enforcement conference (PEC) we conducted with GCE on June 29, 2011, at GCE's request. You expressed dissatisfaction with the NRC staff response, during the PEC, to a request you made for guidance on how to comply with Title 10 of the Code of Federal Regulations (10 CFR), Section 30.34(i), "Security Requirements for Portable Gauges." This regulation requires that portable gauge licensees 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. Specifically, during the PEC, you requested that the NRC publish pictures with example configurations that would be in compliance with this regulation. In your September 4, 2011, letter you indicated that the response by the NRC staff led you to believe that the NRC does not believe it is responsible for making sure licensees are in compliance with its requirements and only provides input when it is time to assess a fine or citation.

Like most regulations 10 CFR 30.34(i) does not provide pictures illustrating how to implement the stated requirement. Instead, the regulation is succinctly described and the method of implementation is to be determined by the licensee. The NRC considered that licensees are best suited for determining how to provide the required barriers due to the multitude of locations and configurations in which licensees store gauges. As expressed by the NRC staff during the PEC, it is each licensee's responsibility to apply the regulation to its own circumstances and determine how it is to be met.

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<sup>1</sup> Designation in parentheses refers to an Agency-wide Documents Access and Management System (ADAMS) accession number. Documents referenced in this letter are publicly-available using the accession number in ADAMS.

To assist licensees in this regard, the NRC provides numerous resources regarding implementation of regulations in documents such as Regulatory Guides, Information Notices (INs), Regulatory Issue Summaries (RISs), and NUREGs. Pertaining to 10 CFR 30.34(i), the NRC has issued numerous INs (2001-11, 1998-01, 1993-18, 1988-02) and a RIS (2007-28) describing both the NRC's concerns surrounding thefts of portable gauges and the implementation of the security requirements. These documents are available from the NRC's public web site at <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/>. The NRC has also included discussion about the security requirements in NUREG-1556, Vol. 1, "Consolidated Guidance about Materials Licensees – Program-Specific Guidance about Portable Gauge Licensees." The NUREG, in particular, provides two images of examples of acceptable implementation of this regulation (ref. Figures 8.4 and 8.6). The NUREG is available from the NRC's public web site at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/>.

In accordance with 10 CFR 2.390 of the NRC "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room and from the Agencywide Document Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

**/RA/**

Aida Rivera-Varona, Acting Chief  
Enforcement Branch  
Office of Enforcement

cc: Commonwealth of Virginia

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Sincerely,

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Aida Rivera-Varona, Acting Chief  
 Enforcement Branch  
 Office of Enforcement

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