



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
612 EAST LAMAR BLVD, SUITE 400
ARLINGTON, TEXAS 76011-4125

December 9, 2011

EA-11-264

Mr. Wayne Adams
Safety and Health Program Manager
GeoEngineers, Inc.
8410 154th Avenue, NE
Redmond, Washington 98052-3886

SUBJECT: RESPONSE TO NOTICE OF VIOLATION
(NRC INSPECTION REPORT 030-35685/2011-001)

Dear Mr. Adams:

Thank you for your email dated November 4, 2011(ML11332A155), in response to the violation identified on an NRC Form 591M Part 1 dated August 25, 2011 (ML11242A162). The violation involved a failure to meet a condition of NRC Byproduct Materials License 46-27696-01 in that the radiation safety officer (RSO) named on your license was no longer employed by GeoEngineers, Inc. and had been replaced by another individual. Your November 4, 2011, email requested that we consider reducing the citation from an "Enforcement Level 4 to a Non-Citable Inspection violation." You also had prior telephone conversations about this subject with Mr. Michael Vasquez, Chief, Nuclear Materials Safety Branch A, in September and October 2011.

The NRC acknowledges that your failure to modify the license to change the RSO was an oversight, that the replacement RSO was qualified, and that you have submitted a license amendment request to change the name of the RSO listed on the license.

However, the NRC has determined that, in accordance with the NRC's Enforcement Policy, the violation is correctly categorized at Severity Level IV, and that the violation was correctly dispositioned as a cited violation. This is because the violation was identified by the NRC during the onsite inspection on August 17, 2011, rather than being self-identified by your company. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. Section 2.3.2(b) of the Enforcement Policy lists four criteria that must be met for a violation to be treated as a noncited violation: (1) the licensee identified the violation, (2) the licensee corrected or committed to correct the violation within a reasonable period of time, (3) the violation is not repetitive as a result of inadequate corrective action, and (4) the violation was not willful. These criteria were developed in part to encourage licensees to identify and correct their own violations. The violation cited in our Notice did not meet the first criterion, in that the licensee did not identify it, so the violation was not eligible for being dispositioned as a noncited violation. As such, the violation stands and no changes will be made to the inspection documentation.

In accordance with 10 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 or from 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>.

If you have any questions about this letter, please contact Mr. Michael Vasquez at 817-860-8130.

Sincerely,

/RA/

Roy J. Caniano, Director
Division of Nuclear Materials Safety

Docket: 030-35685
License: 46-27696-01

Enclosure:
Copy of licensee's response

cc (w/Enclosure):
State of Washington Radiation Control
Program Director

cc w/enclosure:

- E. Collins, RA
- A. Howell, DRA
- R. Caniano, D:DNMS
- V. Campbell, DD:DNMS
- J. Whitten, C:NMSB-B
- R4DNMS_MS-A
- H. Gepford, C:ACES
- R. Kellar, ACES
- C. Maier, ACES
- S. Woods, OE

Hard copy:

- DNMS Materials Docket File
- DNMS Secretarial File

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ADAMS	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> SUNSI Rev Complete	Reviewer Initials:	MRP
Publicly Available	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Sensitivity Value:	Nonsensitive	
RIV:C:NMSB-A	C:NMSB-A	ACES	D:DNMS	
MRPoston;dlf	GMVasquez	MCMaier	RJCaniano	
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