

ENCLOSURE 1

PREDECISIONAL ENFORCEMENT CONFERENCE SUMMARY

George J. Geisser, III/Geisser Engineering Corporation

On November 20, 2013, Mr. George J. Geisser, III, President and Owner, Geisser Engineering Corporation (GEC), met with NRC management in the NRC Region I, King of Prussia, PA office. The meeting was held to discuss two apparent violations: 1) GEC's failure to file for reciprocity prior to conducting work in NRC jurisdiction, as required by 10 CFR 150.20; and 2) deliberate misconduct by Mr. Geisser as the President/Owner of GEC. Specifically, GEC failed to notify the Region I office prior to conducting licensed activities at the Newport Naval Station, an area of exclusive Federal jurisdiction within the Agreement State of Rhode Island, and in the State of Connecticut, a Non-Agreement State, on 22 occasions between October 21, 2009, and June 23, 2011. Additionally, based on the results of an investigation by the NRC Office of Investigations, the NRC determined that Mr. Geisser deliberately violated NRC requirements when he directed employees of GEC to engage in the use of licensed material in these areas of NRC jurisdiction, without having in place an NRC license or having filed for reciprocity at least three days prior to using portable gauge devices containing byproduct material.

Mr. James Clifford, Director, Division of Nuclear Materials Safety, provided opening remarks and described the purpose of the predecisional enforcement conference. Cherie Crisden, NRC Region I Enforcement Specialist, described the NRC Enforcement Policy and process. Blake Welling, Branch Chief, provided a summary for each apparent violation.

Mr. Geisser acknowledged the first apparent violation for the failure to provide the required notification to the Region I office prior to performing work as required by 10 CFR 150.20, indicating that he did not realize that the Newport Naval Station was in an area of exclusive NRC jurisdiction. He stated that he assumed that because it was located within the State of Rhode Island, his Rhode Island Agreement State license would cover the use of licensed material there. Mr. Geisser did not provide specific information as to why he did not file for reciprocity for GEC's use of licensed material in the Non-Agreement State of Connecticut. He further stated that after the NRC inspection, he understood that the states of Vermont and Connecticut, as well as Federal facilities fall within NRC jurisdiction. The NRC raised questions relating to the method(s) GEC utilized to determine jurisdictional status, given that the State of Rhode Island (RIDOH) and Commonwealth of Massachusetts (Commonwealth) Departments of Health had notified him of the requirements for conducting licensed activities outside the jurisdiction of his State of Rhode Island license as part of their inspection processes. Mr. Geisser was unable to provide specific information on the process used for determining jurisdictional status. In fact, during the predecisional enforcement conference (PEC), Mr. Geisser questioned the NRC on whether or not he was required to file for reciprocity for work already performed by GEC at a National Guard facility. Following the NRC questions, Mr. Geisser stated that his planned corrective action was to forego the use of portable nuclear gauges in Federal jurisdiction. The NRC staff indicated the information would be reviewed and considered in the enforcement decision.

Mr. Geisser acknowledged the second apparent violation and disagreed with the Office of Investigation's (OI's) conclusion that he engaged in deliberate misconduct. He acknowledged that he had previously deliberately conducted activities using licensed material in the Commonwealth of Massachusetts without filing for reciprocity with the Commonwealth, and noted that the Commonwealth had taken enforcement action for that violation. Mr. Geisser further stated that he did not act to deliberately violate reciprocity requirements when engaging in licensed activities in areas of exclusive NRC jurisdiction. He reiterated that he felt his Rhode

Island license covered licensed activities for all locations within Rhode Island. The NRC noted that the State of Rhode Island had provided information on the jurisdictional status of Federal facilities, such as US Air Force and Navy bases, during meetings and correspondence with GEC in the 2005 – 2009 timeframe. Following the NRC questions, Mr. Geisser reiterated that he did not act deliberately when he engaged in the use of licensed material in areas of Federal jurisdiction without filing for reciprocity. However, Mr. Geisser could not explain how he applied the prior notification from RIDOH of the need for NRC approval to work in areas of Federal jurisdiction, and the prior violation in the Commonwealth for failing to file for reciprocity, to his decision to work in areas exclusive Federal jurisdiction without obtaining an NRC license or filing for reciprocity with the NRC. The NRC staff indicated the information provided by Mr. Geisser would be reviewed and considered in the enforcement decision.

Following an NRC caucus, there was a discussion about GEC's plans to determine the status of areas of possible Federal jurisdiction in the future. Mr. Geisser stated that he had hired a new radiation safety officer who would be handling the day-to-day aspects of business operations. He further stated that he would employ non-radioactive methods for environmental testing if asked to perform work in NRC jurisdiction.

Mr. Clifford thanked Mr. Geisser for his attendance and indicated he would be informed of final NRC action after the results of the PEC were reviewed.

LIST OF PERSONS ATTENDING

NRC Staff:

James Clifford, Director, Division of Nuclear Materials Safety (DNMS)
 Emily Monteith, Acting Regional Counsel, Office of the Regional Administrator (ORA)
 Blake Welling, Chief, Commercial, Industrial, R&D, and Academic Branch, DNMS
 Shawn Seeley, Health Physicist, Medical Branch, DNMS
 Cherie Crisden, Enforcement Specialist, ORA
 Michele Burgess, Sr. Regional Coordinator, Office of Federal and State Materials and
 Environmental Management Programs (FSME)
 Thomas Marenchin, Enforcement Specialist, Office of Enforcement

Geisser Engineering Corporation Representative:

George J. Geisser, III, President and Owner