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NRC Proposes $11,200 Fine For Rhode Island Firm For Not Obtaining Approvals to Perform Work at Naval Facility and in Connecticut

The Nuclear Regulatory Commission has proposed an $11,200 civil penalty for a Rhode Island firm for performing work on numerous occasions at both a federal facility in the state and in Connecticut without first obtaining permission from the NRC to do so.

Rhode Island is an “Agreement State,” which means that under an agreement with the NRC, it oversees the use of nuclear materials within its borders that would otherwise be regulated by the NRC. However, such activities performed at federal facilities and in Connecticut and other “Non-Agreement States” are under the jurisdiction of the NRC and therefore must be approved by the agency.

This requirement is known as “reciprocity.” It means that an individual or company licensed by the NRC or an Agreement State to use radioactive material must seek permission before conducting activities outside of the jurisdiction covered by the licensing agency.

Geisser Engineering Corp. (GEC), based in Riverside, R.I., did not adhere to that reciprocity requirement and used portable nuclear gauges in Connecticut between Oct. 21, 2009, and June 23, 2011. The company also performed work at the Newport Naval Station, located in Newport, R.I., which is also under NRC jurisdiction because it is a federal facility. All told, GEC failed to file for reciprocity on 22 occasions prior to performing work at these locations.

“GEC’s failure to file for reciprocity interfered with the NRC’s ability to inspect your activities while they were being conducted at sites under NRC jurisdiction to ensure the adequate protection of public health and the safe use of radioactive materials,” NRC Region I Administrator Bill Dean wrote in a letter to the company notifying it of the enforcement action.

The NRC gathered information about these activities during an unannounced inspection at the company’s offices. The agency’s Office of Investigations also conducted an investigation into the matter and determined that the firm’s president was aware of the reciprocity requirements and chose not to follow them over a protracted period of time.

NRC staff conducted a closed pre-decisional enforcement conference with the president of GEC on Nov. 20, 2013, regarding the inspection and investigation findings.

In addition to the fine proposed for GEC, the NRC is also issuing an order prohibiting the company’s owner, George Geisser III, from participating in NRC-licensed activities for three years. This is because his actions with respect to the lack of reciprocity filing have been determined by the

NRC to be deliberate, resulting in the "loss of reasonable assurance that you may be relied upon, at this time, to comply with NRC requirements," the order states.

GEC will have 30 days to provide a written response to the enforcement action.