



The Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Department of Public Health  
Center for Environmental Health  
Radiation Control Program  
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44-28180-02  
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**BY FIRST-CLASS AND CERTIFIED MAIL**

April 4, 2006

Diane Zagorski, RSO  
Geisser Engineering Corporation  
272 Wampanoag Trail  
Riverside, RI 02915-2211

**Re: Rhode Island License No: 3L-050-01**

Dear Ms. Zagorski:

The *Massachusetts General Laws*, chapter 111, sections 3, 5M, 5N, 5O, 5P, and 105 CMR 120.190 of the *Massachusetts Regulations for Control of Radiation* authorize the Massachusetts Department of Public Health (DPH) to grant reciprocal recognition to radioactive materials licenses issued by other jurisdictions, so that the out-of-state licensee in question may conduct activities using radioactive material in Massachusetts. This reciprocal recognition (called "reciprocity") is granted by DPH only after the out-of-state licensee applies in advance, and pays the prescribed fee. Further, 105 CMR 120.190(A)(3) authorizes DPH to withdraw its acceptance of any license offered for consideration for reciprocity if we believe that such action is necessary to prevent undue hazard to public health and safety or property.

This letter is to inform you that DPH specifically withdraws its acceptance of the above-captioned license for any future consideration for reciprocity under 105 CMR 120.190 for a period of five years from the date of this letter. The reasons for our action are set forth below.

1. On June 1 and 13, 2005, Charma Waring of the Rhode Island Department of Health, Office of Occupational & Radiological Health (RIDOH), inspected your licensed activities and noted that your records indicated that your company had been working in Massachusetts without requesting reciprocity. The dates and places at which you conducted this work are as follows:

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- April 4, 2005 – Westport, MA
- April 6, 2005 – Milford, MA
- April 13, 2005 – Taunton, MA
- May 6, 2005 – Taunton, MA
- June 6, 7 and 9, 2005 – Attleboro, MA
- June 13, 2005 – Dighton, MA

You were notified by the RIDOH in a letter dated August 2, 2005, of the necessity for you to request reciprocity when you work in Massachusetts.

2. On November 1, 2005, Ms. Waring once again inspected your activities, and discovered from your records that your company was continuing to perform work in Massachusetts without requesting reciprocity. The dates and places at which you conducted this work are as follows:

- October 5, 2005 – Dennis, MA
- November 1, 2005 – Dighton, MA

You were notified once again, in a letter from the RIDOH dated November 29, 2005, that you must request reciprocity if you intended to work in Massachusetts.

3. On February 28, 2006, Ms. Waring conducted a further inspection of your activities, and discovered from your records that you were continuing to work in Massachusetts without requesting reciprocity. The dates and places at which you conducted this work are as follows:

- November 2, 2005 – Dighton, MA
- November 4, 2005 – Hingham, MA
- November 21, 2005 – Attleboro, MA
- December 5, 2005 – Seekonk, MA
- December 15, 2005 – Attleboro, MA

As a result of the information developed by the RIDOH during its inspections, the Department has determined that the following two willful violations of Massachusetts regulatory requirements occurred:


- a) Geisser Engineering Corporation knowingly and intentionally failed to request reciprocity before working in the Commonwealth of Massachusetts, as required by 105 CMR 120.190(A)(1)(b). In Massachusetts, this is a Severity Level I violation as specified in 105 CMR 120.019(A)(4)(c), and would generally result in a monetary civil penalty; and

- b) Geisser Engineering Corporation failed to pay the appropriate reciprocity fee, as prescribed in 801 CMR 4.02.

These violations are significant in two respects. First, your repeated failure to file for reciprocity interfered with the Department's ability to inspect your portable moisture density gauging operations to ensure that all activities were carried out safely. Second, the violations were carried out consciously despite your knowledge that reciprocity must be filed prior to work being conducted in Massachusetts. Because the Department cannot always be present when portable moisture density gauging is conducted, we must be able to rely on licensees and their employees to comply with all Department requirements. Your company's actions have violated the Department's and the public's trust, and have demonstrated that you cannot be relied upon to comply with regulatory requirements.

Since you are not a Massachusetts licensee, you are prohibited from conducting any activities in this state involving the use of radioactive material. The effect of the action described in this letter is that you will continue to be prohibited from conducting these activities in Massachusetts for a period of five years from the date of this letter. You should be aware that if the Department determines that you have conducted any activities in Massachusetts involving the use of radioactive material during the next five years, the Department will take further enforcement action against you, which may include criminal penalties. These include monetary penalties of not more than \$20,000 and imprisonment of not more than 20 years.

Sincerely,



Robert Walker  
Director

cc. Jim Ballin – Deputy General Counsel, DPH  
Jack Ferruolo – RI Department of Health  
Sheri Minnick – U.S. NRC, Region I