



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

October 22, 2021

EA-21-123

Mr. Ben Vance, PE
Radiation Safety Officer
Liberty Geotechnical Engineering, Inc.
dba Liberty Geotech
3012 North Sullivan Road, Suite D
Spokane Valley, WA 99216

SUBJECT: REPLY TO NRC INSPECTION REPORT 030-39230/2021-001; EXERCISE OF ENFORCEMENT DISCRETION; AND NOTICE OF VIOLATION

Dear Mr. Vance:

On September 3, 2021, the U.S. Nuclear Regulatory Commission (NRC) cited Liberty Geotechnical Engineering, Inc., for two Severity Level IV violations involving: (1) the possession and use of portable nuclear gauges that were not authorized on the NRC license, and (2) the failure to implement and maintain operating, emergency, and security procedures for the use of portable nuclear gauges. NRC Inspection Report 030-39230/2021-001 with enclosed Notice of Violation (Notice) required a written reply within 30 days (NRC Agencywide Documents Access and Management System (ADAMS) Accession No. [ML21244A462](#)). In a letter dated September 20, 2021, you provided a reply to the Notice (ADAMS Accession No. [ML21264A207](#)).

After reviewing the information provided in your reply to the Notice, we have concluded that your completed and proposed actions appear to adequately address the regulatory noncompliances described in the Notice. We will review your implementation of these corrective actions during a future inspection to determine whether full compliance has been restored and whether compliance will be maintained.

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

Sincerely,



Signed by Roldan-Otero, Lizette
on 10/22/21

Lizette Roldán-Otero, PhD, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-39230
License No. 46-35594-01

SUBJECT: REPLY TO NRC INSPECTION REPORT 030-39230/2021-001; EXERCISE OF ENFORCEMENT DISCRETION; AND NOTICE OF VIOLATION; DATED OCTOBER 22, 2021

DISTRIBUTION

SMorris, RA
JMonninger, DRA
MMuessle, D:DNMS
LHowell, DD:DNMS
DDodson, ACES
JKramer, ACES

ADAMS ACCESSION NUMBER:

SUNSI Review: ADAMS: Non-Publicly Available Non-Sensitive

Keyword: EA-21-123

By: JFK Yes No Publicly Available Sensitive

OFFICE	RIV:DNMS	RIV:DNMS				
NAME	JFKatanic	LRoldanOtero				
SIGNATURE	/RA/	LRO				
DATE	9/26/2021	10/22/21				

OFFICIAL RECORD COPY