



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

April 12, 2022

EA-22-014

Isaac Thibodeaux
Radiation Safety Officer
GIR Solutions LLC.
P.O. Box 369
Broussard, LA 70518

SUBJECT: GIR SOLUTIONS LLC. NOTICE OF VIOLATION; NRC INSPECTION
REPORT 150-00017/2022-001

Dear Mr. Thibodeaux:

This letter refers to the in-office review of information submitted by GIR Solutions LLC to the U.S. Nuclear Regulatory Commission (NRC) on January 30, 2022, regarding the performance of licensed activities in exclusive Federal jurisdiction. Specifically, GIR Solutions LLC, submitted a clarification of work activities to the NRC on January 30, 2022, for work that began on January 31, 2022. The preliminary findings of this in-office review were discussed with you on February 1, 2022. A final exit briefing was conducted telephonically with you and your supervisor, Jeremy Johnson on April 7, 2022.

Based on the information submitted by GIR Solutions LLC, the NRC has determined that one Severity Level IV violation of NRC requirements occurred involving GIR's failure to file an initial NRC Form 241, and pay the required reciprocity fee, prior to performing licensed activities in Federal jurisdiction for calendar year 2022. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Website at (<https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>). The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the subject inspection report. The violation is being cited in the Notice because it was identified by the NRC during a review of records submitted by GIR Solutions LLC and involved the failure to file an initial NRC Form 241, Report of Proposed Activities in Non-Agreement States, Areas of Exclusive Federal Jurisdiction, or Offshore Waters, and pay the required reciprocity fee, three days prior to engaging in licensed activities in Federal jurisdiction for calendar year 2022.

In accordance with the NRC Enforcement Policy, the failure to file an NRC Form 241 three days prior to engaging in licensed activities in NRC jurisdiction is normally categorized as a Severity Level III violation. The NRC Enforcement Policy includes Severity Level IV violations when certain criteria are met. As a materials licensee whose licensed activity is designated as a Priority 1 NRC inspection, you only met three of the four criteria in Section 6.9.d.14 to be characterized as a Severity Level IV violation.

However, in this case, several factors were considered to disposition this violation as a Severity Level IV violation. The factors included: (1) GIR Solutions LLC submitted the NRC Form 241 the day before the material arrived on the jobsite and no work was performed until the NRC provided the licensee reciprocity approval; therefore the NRC had the opportunity to inspect the licensee prior to work completion; (2) GIR Solutions LLC had only had been a reciprocity licensee for one year and misunderstood the yearly reciprocity requirements; and, (3) the licensed activities were performed in offshore waters, thereby limiting security access concerns, as well as potential for exposure and contamination to members of the public. Considering these mitigating factors, the NRC determined this violation is more appropriately characterized as a Severity Level IV violation.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice," a copy of this letter, its enclosure(s), and your response 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 Website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy or proprietary, information so that it can be made available to the public without redaction.

Please feel free to contact Ms. Alldredge or Ms. Hanson if you have any questions regarding this in-office review. Ms. Alldredge can be reached at 817-200-1546 or casey.alldredge@nrc.gov, and Ms. Hanson can be reached at 817-200-1286 or latischa.hanson@nrc.gov.

Sincerely,



Signed by O'Keefe, Cornelius
on 04/12/22

Neil O'Keefe, Chief
Materials Licensing Branch
Division of Radiological Safety and Security

Docket No. 150-00017
License No. 10 CFR 150.20

Enclosure: Notice of Violation
NRC Inspection Report 150-00017/2022-001

cc w/Enclosure:
J. Dauzat, Administrator
State of Louisiana Radiation
Control Program

GIR SOLUTIONS LLC. NOTICE OF VIOLATION; NRC INSPECTION
 REPORT 150-00017/2022-001 DATED – APRIL 12, 2022

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OFFICIAL RECORD COPY

NOTICE OF VIOLATION

GIR Solutions LLC
Broussard, Louisiana

Docket No. 150-00017
License No. 10 CFR 150.20
EA-22-014

During an NRC in-office inspection conducted on January 31, 2022, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 30.3(a) requires, in part, that no person shall receive, acquire, own, possess, or use byproduct material except as authorized in a specific or general license issued in accordance with the regulations in 10 CFR Chapter I.

10 CFR 150.20(a)(1) requires, in part, that any person who holds a specific license from an Agreement State is granted a general NRC license to conduct the same activity in offshore waters subject to the provisions of 10 CFR 150.20(b).

10 CFR 150.20(b)(1) requires, in part, that any person engaging in activities in offshore waters shall, at least 3 days before engaging in each activity for the first time in a calendar year, file a submittal containing an NRC Form 241, "Report of Proposed Activities in Non-Agreement States," a copy of its Agreement State specific license, and the appropriate fee with the Regional Administrator of the appropriate NRC regional office.

Contrary to the above, on January 31, 2022, GIR Solutions, LLC, a licensee of the State of Louisiana, engaged in activities in offshore waters without filing a submittal containing an NRC Form 241, "Report of Proposed Activities in Non-Agreement States," a copy of its Agreement State specific license, and the appropriate fee with the Regional Administrator of the NRC Regional Office at least 3 days before engaging in each activity for the first time in a calendar year. Specifically, GIR Solutions, LLC, transported and stored radioactive material at Offshore Waters in the Gulf of Mexico on January 31, 2022 in anticipation of beginning work, but did not submit an NRC Form 241, a copy of its Agreement State radioactive materials license, and the appropriate fee until January 31, 2022, allowing the NRC to approve the initial reciprocity request on February 1, 2022. Since the material was transported to and stored in offshore waters beginning on January 31, 2022, the licensee was required to provide this information to the NRC by January 28, 2022.

This is a Severity Level IV violation.

Pursuant to the provisions of 10 CFR 2.201, GIR Solutions LLC, is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator, Region IV, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation; EA-22-014" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken; and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if

the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued requiring information as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated this 12th day of April 2022

**U.S. NUCLEAR REGULATORY COMMISSION
REGION IV**

Docket: 150-00017

License: 10 CFR 150.20

Report: 2012-001

EA No: EA-21-014

Licensee: GIR Solutions LLC

Location Inspected: In-office review only

Inspection Dates: January 31 through April 7, 2022

Exit Meeting Date: April 7, 2022

Inspector: Casey Alldredge, Health Physicist
Materials Licensing Branch
Division of Radiological Safety and Security

Approved by: Neil O'Keefe, Chief
Materials Licensing Branch
Division of Radiological Safety and Security

Attachment: Supplemental Inspection Information

EXECUTIVE SUMMARY

GIR Solutions LLC NRC Inspection Report 150-00017/2022-001

Program Overview

GIR Solutions LLC (GIR) is authorized under the State of Louisiana Department of Environmental Quality License No. LA-14110-L01, to possess and use byproduct material, including Cobalt-60 and Iridium-192, for industrial radiography operations. As of February 1, 2022, GIR is authorized to perform these same licensed activities at temporary job sites in exclusive Federal jurisdiction under a general license pursuant to 10 CFR 150.20. (Section 1)

Inspection Findings

One violation was identified involving GIR's failure to file an initial NRC Form 241, and pay the required reciprocity fee, prior to performing licensed activities in Federal jurisdiction for calendar year 2022. This violation was identified when the licensee submitted a clarification for locations of work to the NRC, and the NRC discovered that the licensee had never filed the initial reciprocity request for 2022 prior to beginning licensed activities in Federal jurisdiction on January 31, 2022. (Section 2)

Corrective Actions

GIR corrected this violation by submitting the appropriate information, to include the NRC Form 241, Agreement State License and required reciprocity fee to the NRC on January 31, 2022. The NRC subsequently granted the reciprocity request in a letter dated February 1, 2022. (Section 3)

REPORT DETAILS

1 Program Overview (87121)

1.1. Program Scope

GIR Solutions LLC (GIR) is authorized under the State of Louisiana Department of Environmental Quality License No. LA-14110-L01, to possess and use byproduct material, including Cobalt-60 and Iridium-192, for industrial radiography operations at temporary job sites, in the State of Louisiana.

After the NRC received GIR's initial NRC Form 241 and reciprocity fee for calendar year 2022 on January 31, 2022, GIR became authorized to perform portable gauge operations at temporary job sites under a general license pursuant to 10 CFR 150.20, "Recognition of Agreement State Licenses."

1.2. Observations and Findings

Upon reviewing the information submitted by the licensee notifying NRC of a change of work locations in Federal jurisdiction and researching the local database where the initial NRC Form 241 requests/approvals are maintained, the regional license reviewer discovered that GIR had never submitted the initial NRC Form 241, nor had they paid the reciprocity fee for the work to be performed in CY2022.

2 Inspection Findings (87121)

2.1 Inspection Scope

On Sunday, January 30, 2022, the licensee emailed NRC Region IV a clarification notification, dated January 31, 2022 stating that they intended to conduct licensed activities in Federal jurisdiction in offshore waters from January 31, 2022 through February 13, 2022. The license reviewer used this information, in addition to performing research on existing reciprocity approvals for calendar year 2022 to determine whether the licensee was in compliance with regulatory requirements.

2.2 Observation and Findings

On Monday January 31, while reviewing their request, the license reviewer determined that GIR had not filed an initial reciprocity application for 2022 and contacted the RSO. GIR stated that they thought they had one calendar year since they received their 2021 reciprocity approval, and had been planning to send an initial reciprocity application in April 2022. The RSO immediately provided a copy of their Agreement State license and the reciprocity fee. On February 1, 2022, the license reviewer inquired about the location of the byproduct material and was told it had already been transported to the temporary job site in offshore waters, but that it was in storage until they received NRC approval of their reciprocity application. The LR informed GIR that they were not yet authorized to possess or use the source in Federal jurisdiction and confirmed that it was properly stored and secured until the necessary request was made and approved. GIR quickly submitted the required form and payment. On February 1, 2022, the NRC approved the reciprocity request.

10 CFR 30.3(a) requires, in part, that no person shall receive, acquire, own, possess, or use byproduct material except as authorized in a specific or general license issued in accordance with the regulations in 10 CFR Chapter I.

10 CFR 150.20(a)(1) requires, in part, that any person who holds a specific license from an Agreement State is granted a general NRC license to conduct the same activity in non-Agreement States subject to the provisions of 10 CFR 150.209(b).

10 CFR 150.20(b)(1) requires, in part, that any person engaging in activities in offshore waters shall, at least 3 days before engaging in each activity for the first time in a calendar year, file a submittal containing an NRC Form 241, "Report of Proposed Activities in Non-Agreement States," a copy of its Agreement State specific license, and the appropriate fee with the Regional Administrator of the appropriate NRC regional office.

Contrary to the above, on January 31, 2022, GIR Solutions, LLC, a licensee of the State of Louisiana, engaged in activities in offshore waters without filing a submittal containing an NRC Form 241, "Report of Proposed Activities in Non-Agreement States," a copy of its Agreement State specific license, and the appropriate fee with the Regional Administrator of the NRC Regional Office at least 3 days before engaging in each activity for the first time in a calendar year. Specifically, GIR Solutions, LLC, transported and stored radioactive material at offshore waters in the Gulf of Mexico on January 31, 2022, in anticipation of beginning work, but did not submit an NRC Form 241, a copy of its Agreement State radioactive materials license, and the appropriate fee until January 31, 2022, allowing the NRC to approve the initial reciprocity request on February 1, 2022. Since the material was stored in offshore waters beginning on January 31, 2022, the licensee was required to provide this information to the NRC by January 28, 2022.

2.3 Conclusions

The NRC identified one violation regarding GIR's failure to file an initial NRC Form 241 for calendar year 2022 and pay the reciprocity fee, prior to engaging in licensed activities in Federal jurisdiction beginning on January 31, 2022, as required by 10 CFR 150.20(b)(1). (15000017/2022-01-01)

3 **Corrective Actions**

The Radiation Safety Officer for GIR stated that he had misunderstood the requirement to send in the initial NRC Form 241 at the beginning of calendar year 2022, as he was a new reciprocity licensee and incorrectly thought he had one calendar year from his previous approval to work before sending a new initial NRC Form 241. GIR corrected this violation by submitting the appropriate information, to include the NRC Form 241, Agreement State License and required reciprocity fee to the NRC on January 31, 2022.

4 **Exit Meeting Summary**

The license reviewer presented the preliminary inspection findings at the conclusion of the in-office review on January 31, 2022 with Isaac Thibodeaux, Radiation Safety Officer for GIR. On April 7, 2022, a final telephonic exit meeting was conducted with Isaac Thibodeaux, the radiation safety officer, and Jeremy Johnson, his supervisor.

The licensee acknowledged the findings and did not dispute any of the details presented during the exit call.

SUPPLEMENTAL INSPECTION INFORMATION

PARTIAL LIST OF PERSONS CONTACTED

Isaac Thibodeaux, Radiation Safety Officer

INSPECTION PROCEDURES USED

87121 Industrial Radiography

ITEMS OPENED, CLOSED, AND DISCUSSED

Opened

1500017/22001-01

The failure to file an initial NRC Form 241 prior to engaging in licensed activities in exclusive Federal jurisdiction

Closed

None

Discussed

None

LIST OF ACRONYMS USED

ADAMS	Agencywide Documents Access and Management System
CFR	<i>Code of Federal Regulations</i>
NRC	Nuclear Regulatory Commission
PEC	Predecisional Enforcement Conference
RSO	Radiation Safety Officer
TJS	Temporary Job Site