



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION I  
2100 RENAISSANCE BOULEVARD, SUITE 100  
KING OF PRUSSIA, PENNSYLVANIA 19406-2713

July 2, 2012

Docket No. 15000016  
EA-12-108

KY License No. 201-098-52

Jason Ainslie, P.E.  
President  
L.E. Gregg Associates  
440 East High Street, Suite 140  
Lexington, KY 40507

SUBJECT: NRC INSPECTION REPORT NO. 15000016/2012001, L.E. GREGG  
ASSOCIATES, LEXINGTON, KENTUCKY

Dear Mr. Ainslie:

On April 26, 2012, through June 8, 2012, Michael Reichard of this office conducted a safety inspection at the above address of activities authorized under the license listed above. Your activities in NRC jurisdiction are governed by the general license requirements in 10 CFR 150.20(a). The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selective examination of representative records. Additional information provided in your correspondence, dated May 22, 2012, and June 7, 2012, was also examined as part of the inspection. A telephonic exit meeting was conducted on June 8, 2012, between you and Michael Reichard of this office to discuss the findings of the inspection. The enclosed report presents the results of this inspection.

Based on the results of this inspection, one apparent violation was identified and is described in Section III.c. of the enclosed report. The apparent violation is being considered for escalated enforcement in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The apparent violation involved a failure to file for reciprocity with the NRC prior to operating a portable gauge in NRC jurisdiction, as required by 10 CFR 150.20(b)(1). The circumstances surrounding this apparent violation, the significance of the issue, and the need for lasting and effective corrective action were discussed with you at the inspection exit meeting at the conclusion of the inspection. As a result, it may not be necessary to conduct a predecisional enforcement conference in order to enable the NRC to make an enforcement decision.

In addition, since your facility has not been the subject of escalated enforcement actions within the last 2 years, and based on our understanding of your corrective actions, a civil penalty may not be warranted in accordance with Section 2.3.4 of the Enforcement Policy. The final decision will be based on your confirming on the license docket that the corrective actions previously described to the staff have been or are being taken.

Before the NRC makes its enforcement decision, we are providing you an opportunity to either (1) respond to the apparent violation addressed in this inspection report within 30 days of the date of this letter, or (2) request a predecisional enforcement conference (PEC). If a PEC is held, it will be open for public observation and the NRC will issue a press release to announce the time and date of the conference. If you decide to participate in a PEC, please contact Blake Welling at 610-337-5205 within 10 days of the date of this letter. A PEC should be held within 30 days of the date of this letter.

Your response should be clearly marked as a "Response to An Apparent Violation in Inspection Report No. 15000016/2012001; EA-12-108" and should include: (1) the reason for the apparent violation, or, if contested, the basis for disputing the apparent violation; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken to avoid further violations; and (4) the date when full compliance will be achieved. Your response may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a PEC.

If you choose to request a PEC, the conference will afford you the opportunity to provide your perspective on the apparent violations and any other information that you believe the NRC should take into consideration before making an enforcement decision. The topics discussed during the conference may include the following: information to determine whether a violation occurred, information to determine the significance of a violation, information related to the identification of a violation, and information related to any corrective actions taken or planned to be taken in presenting your corrective actions, you should be aware that the promptness and comprehensiveness of your actions will be considered in assessing any civil penalty for the apparent violations.

In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

Current NRC regulations and guidance are included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

J. Ainslie

3

Please note that the office of the Region I USNRC Division of Nuclear Materials Safety has moved effective May 9, 2012. Our new address is:

U. S. Nuclear Regulatory Commission  
Region I  
2100 Renaissance Blvd, Suite 100  
King of Prussia, PA 19406-2713

If you have any questions concerning this matter, please contact Michael Reichard of my staff at 610-337-6945.

Sincerely,

*/RA/*

Raymond K. Lorson, Director  
Division of Nuclear Materials Safety

Enclosure:  
Inspection Report No. 15000016/2012001

cc:  
Tony Goodrich, Radiation Safety Officer  
Commonwealth of Kentucky

J. Ainslie

3

Please note that the office of the Region I USNRC Division of Nuclear Materials Safety has moved effective May 9, 2012. Our new address is:

U. S. Nuclear Regulatory Commission  
Region I  
2100 Renaissance Blvd, Suite 100  
King of Prussia, PA 19406-2713

If you have any questions concerning this matter, please contact Michael Reichard of my staff at 610-337-6945.

Sincerely,

/RA/

Raymond K. Lorson, Director  
Division of Nuclear Materials Safety

Enclosure:  
Inspection Report No. 15000016/2012001

cc:  
Tony Goodrich, Radiation Safety Officer  
Commonwealth of Kentucky

DISTRIBUTION w/encl:

ADAMS (PARS)  
M. Burgess, FSME  
D. White, FSME  
R. Lorson, DNMS, RI  
D. Collins, DNMS, RI  
B. Welling, DNMS, RI

D Screnci, PAO-RI  
N Sheehan, PAO-RI  
D. Janda, SAO-RI  
M. Orendi, SAO-RI  
K. Farrar, RI  
D. Holody, RI

A. DeFrancisco, RI  
M. McLaughlin, RI  
C. O'Daniell, RI  
S. Villar, RI  
Region I OE Files (with  
concurrences)

DOCUMENT NAME: G:\WordDocs\Current\Insp Letter\LKY-201-098-52.2012001.doc

Ltr – ML12187A113, Rpt – ML12187A115

**SUNSI Review Complete: MReichard**

After declaring this document "An Official Agency Record" it will be released to the Public.

To receive a copy of this document, indicate in the box: "C" = Copy w/o attach/encl "E" = Copy w/ attach/encl "N" = No copy

OFFICE	DNMS/RI		DNMS/RI		DNMS/RI		RI/OE	N
NAME	MReichard/mcr		BWelling/bdw		RLorson/rkl		DHolody/mmm f/	
DATE	06/22/12		06/25/12		06/28/12		06/27/12	
OFFICE	DNMS/RC		DNMS/RI					
NAME	KFarrar/mclark f/ via email		RLorson/rkl					
DATE	06/29/12		07/02/12					

OFFICIAL RECORD COPY

