



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

May 27, 2016

Docket No. 03038181  
EA-16-108

License No. 06-31393-01

Thomas von Rosenvinge, P.E.  
Senior Principal/Chief Executive Officer  
GeoDesign, Inc.  
984 Southford Road  
Middlebury, CT 06762

**SUBJECT: NRC INSPECTION REPORT NO. 03038181/2015001, GEODESIGN, INC.,  
MIDDLEBURY, CONNECTICUT SITE, AND EXERCISE OF ENFORCEMENT  
DISCRETION**

Dear Mr. Von Rosenvinge:

On December 17, 2015, Steven Courtemanche of this office conducted a safety inspection at the above address with continuing in-office review through May 10, 2016. 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 for both the Middlebury, CT and Windsor, VT locations. The findings of the inspection were discussed with Jacob Wimett of your staff by telephone at the conclusion of the inspection on May 10, 2016.

Based on the results of this inspection, the NRC has determined that five Severity Level (SL) IV violations of NRC requirements occurred. The circumstances surrounding these violations, the significance of these issues, and the need for lasting and effective corrective actions were discussed with you and other members of your staff on December 17, 2015, at the conclusion of the onsite inspection, and again with Mr. Wimett on May 10, 2016, during the exit meeting.

The violations involved the failure to: (1) use two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal whenever the gauges were not under licensee control or constant surveillance as required by 10 CFR 30.34(i); (2) review the radiation protection program content and implementation, at least annually, as required by 10 CFR 20.1101(c); (3) provide a HAZMAT employee training within 90 days of employment as required by 49 CFR 172.704(c); (4) ensure that before using licensed materials, that authorized users had successfully completed one of the training courses described in the section entitled "Training for Individuals Working In or Frequenting Restricted Areas" in NUREG-1556, Volume 1, Revision 1, dated November 2001, as required by License Condition 19 of NRC License No. 06-31393-01; and (5) to complete the utilization log when removing or returning portable gauges from or to the gauge storage area as part of the licensee's operating and emergency procedures developed per Item 10 of the application dated September 22, 2009, as required by License Condition 19 of NRC License No. 06-31393-01.

The violations were evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at:

<http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

Regarding the failure to properly secure portable gauges as required by 10 CFR 30.34(i), in accordance with NRC's Enforcement Policy, such violations are normally categorized at SL III and considered for escalated enforcement action. However, because: 1) one physical control existed to prevent loss or theft of the portable gauges; 2) you retained possession of the portable gauges; 3) the violation was isolated; and 4) no indication of programmatic weakness was identified, in accordance with NRC Enforcement Guidance Memorandum (EGM) 11-004, "Interim Guidance on Dispositioning Violations of Security Requirements for Portable Gauges," the NRC is exercising enforcement discretion to categorize this violation as SL IV.

We note that as of December 17, 2015, with respect to the 10 CFR 30.34(i) violation, you took the following corrective actions: (1) secured the keys for the portable gauges; (2) informed the staff of the requirements in 10 CFR 30.34(i); and (3) instituted a policy whereby the RSO, or his delegate, would provide the keys to authorized users when a temporary jobsite required the use of the portable gauge. Additionally you also took the following corrective actions to address the other four violations: (1) instituted a reminder system to keep track of periodic tasks such as program reviews, leak tests of sealed sources, or HAZMAT training of employees coming due; (2) provided HAZMAT training to the individual; (3) instituted a policy to inform the RSO of new hires training to become authorized users so that their training could be tracked; and (4) instituted a policy to increase managerial review of the utilization logs to ensure that the logs were being completed.

All five violations have been identified as SL IV violations and additionally are being dispositioned as Non-Cited violations (NCVs). Consistent with Section 2.3.2 of the Enforcement Policy, the five violations are NCV's because you: (1) identified the violations; (2) implemented corrective actions to address the violations; and (3) because the violations were neither willful nor repetitive as a result of inadequate corrective actions. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. If you contest the violations or significance of these NCVs, you should provide a response within 30 days of the date of this letter, with the basis for your denial, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001, with copies to: the Regional Administrator, Region I and the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agency-wide Document Access and Management System (ADAMS) accessible from the NRC's Web site 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.

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).

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/safety-culture.html>. We strongly encourage you to review this material and adapt it to your needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

If you have any questions related to this matter, please contact Monica Ford of my staff at 610-337-5214.

Sincerely,

/RA/

James M. Trapp, Director  
Division of Nuclear Materials Safety

cc: Jacob F. Wimett, E.I.T, Radiation  
Safety Officer  
State of Connecticut  
State of Vermont

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James M. Trapp, Director  
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cc: Jacob F. Wimett, E.I.T, Radiation  
Safety Officer  
State of Connecticut  
State of Vermont

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