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September 20, 2021

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-001

Division of Nuclear Materials Safety
Materials Inspection Branch
U.S. Nuclear Regulatory Commission Region IV
1600 E. Lamar Blvd.
Arlington, Texas 76011

Subject: Reply to a Notice of Violation Number EA-21-123
NRC License No. 46-35594-01

Dear Lizette Roldán-Otero, PhD, Chief:

Liberty Geotech is writing this letter in response to a letter received from the U.S. Nuclear Regulatory Commission dated September 3, 2021. The letter identified two Severity Level IV violations identified after an initial inspection at our facility on July 15, 2021 as well as a remote in-office review on August 25, 2021. A final exit briefing was also conducted via video conference on September 1, 2021. The notice of violation and the response letter has been posted and will be available for employees to review until September 24, 2021.

The first Severity Level IV violation was for operation within the NRC jurisdiction of three Instrotek Model 3500 Xplorer portable nuclear gauges that were not authorized in Liberty Geotech's NRC license 46-35594-01. Liberty Geotech is licensed for two nuclear density gauges models: Troxler Model 3400 Series and CPN Model MC Series PORTAPROBE. Liberty Geotech purchased a different gauge model, the Instrotek Model 3500 Xplorer instead of the PORTAPROBE. The Instrotek Model 3500 Xplorer portable nuclear gauges contained the same amount (or less) radiation activity (REDACTED) as the PORTAPROBE. Also, the total amount of radioactive material in possession is less than the amount allowed under the license 46-35594-01.

To resolve this violation, Liberty Geotech has requested a license amendment to add the Instrotek Xplorer to the NRC license. The letter was dated August 2, 2021.

The second Severity Level IV violation was involving the failure to implement and maintain the operating, emergency, and security procedures in Appendix G of NUREG-1556, Volume 1, Revision 2, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Portable Gauge Licensees" as well as provide compliant copies of the emergency procedures to all gauge users.

Liberty Geotech had training and emergency procedures in place for portable nuclear gauges that were supplied to each employee prior to receiving a notice of violation. However, the training and



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emergency procedures were not in full compliance with Appendix G of NUREG-1556, Volume 1, Revision 2, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Portable Gauge Licensees". Liberty Geotech has revised our training program and emergency procedures to be in compliance with Appendix G. All Liberty Geotech active gauge users underwent additional training in accordance with the standards set by the NRC. In addition, all future employees will be trained in accordance with NRC requirements prior to gauge operation. Full compliance was achieved on August 3, 2021, when training on Appendix G was performed.

Please notify me if the measures that we have taken are not sufficient to resolve the violations. I am looking forward to working with the NRC to implement safe and secure operations utilizing the nuclear materials within our possession.

Respectfully,

Ben Vance, P.E.
President
Liberty Geotechnical Engineering, Inc.

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