



## ECS MID ATLANTIC, LLC

Geotechnical • Construction Materials • Environmental • Facilities

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REGION 1

2005 JUN 20 PM 2:44

June 16, 2005

Docket No. 03036879

License No. 45-31022-01

Please find enclosed our reply to your notification of violations found during your May 16<sup>th</sup>, 2005 inspection of our facility. Please contact us with any concerns you may have.

*Re: M. Schwindt for Mark S. Schwindt*

Mark S. Schwindt  
Project Manager/ RSO  
ECS, Mid-Atlantic, LLC  
108 Ingram Road, Unit 1  
Williamsburg, VA 23188

## **Reply to a Notice of Violation**

Violation A: Possession of unauthorized gauge- This gauge, which was loaned to our office from the ECS, Mid-Atlantic- Richmond office, was returned to that location on May 17, 2005. We are no longer in violation of this requirement.

Violation B: Lack of blocking or bracing of gauges during transportation- Our office is in the process of surveying our personnel to determine the type of load hugger tie downs needed for each individual's vehicle. The company will then purchase these items for their use. Our deadline for completion of this program to achieve compliance on this requirement has been set for June 30, 2005. We will no longer be in violation of this requirement at that time.



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

June 7, 2005

Docket No. 03036879

License No. 45-31022-01

Mark S. Schwindt  
Project Manager/RSO  
ECS, Mid-Atlantic, LLC  
108 Ingram Road, Unit 1  
Williamsburg, VA 23188

SUBJECT: INSPECTION 03036879/2005001, ECS, MID-ATLANTIC, LLC,  
WILLIAMSBURG, VIRGINIA SITE AND THE COLONIAL HEIGHTS PROJECT,  
WILLIAMSBURG, VIRGINIA, AND NOTICE OF VIOLATION

Dear Mr. Schwindt:

On May 16, 2005, Jenny Johansen of this office conducted a safety inspection at the above address and the Colonial Heights Project, Rt. 60, Williamsburg, Virginia of activities authorized by the above listed NRC license. 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 selected examination of representative records. The findings of the inspection were discussed with you at the conclusion of the inspection.

Based on the results of this inspection, it appears that your activities were not conducted in full compliance with NRC requirements. A Notice of Violation is enclosed that categorizes each violation by severity level. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

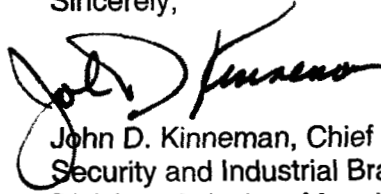
Current NRC regulations and the General Policy and Procedure for NRC Enforcement Actions are available at the NRC web site at <http://www.nrc.gov/materials/miau/mat-toolkits.html> and <http://www.nrc.gov/what-we-do/regulatory/enforcement> or by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays).

M. Schwindt  
ECS, Mid-Atlantic, LLC

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Your cooperation with us is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Kinneman". The signature is stylized with a large, looping initial "J" and a long, sweeping horizontal stroke at the end.

John D. Kinneman, Chief  
Security and Industrial Branch  
Division of Nuclear Materials Safety

Enclosure:  
Notice of Violation

cc:  
Commonwealth of Virginia

## **NOTICE OF VIOLATION**

ECS, Mid-Atlantic, LLC  
Williamsburg, VA

Docket No. 03036879  
License No. 45-31022-01

During an NRC inspection conducted on May 16, 2005, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. License Condition 9 of License No. 45-31022-01 authorizes the use of Troxler Electronic Laboratories Model 3430 and 3440, and CPN International Model MC-3 portable gauging devices for measuring physical properties of materials.

Contrary to the above, as of May 16, 2005 and since the issuance of License No 45-31022-01 on April 12, 2005, the licensee has been in possession of a Humbolt Model 5001, SN 2315 portable gauging device which was transferred from ECS, Ltd 2119-D North Hamilton Street, Richmond, VA (License No. 45-25239-01) and Condition 9 of License No. 45-31022-01 does not authorize possession of a Humbolt Model 5001 portable gauging devices.

This is a Severity Level IV violation (Supplement VI).

- B. 10 CFR 71.5(a) requires that a licensee who transports licensed material outside of the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 170 through 189.

49 CFR 177.842 (d) requires, in part, that packages of radioactive materials be so blocked and braced that they cannot change position during conditions normally incident to transportation.

Contrary to the above, on May 16, 2005, the licensee transported a package containing a portable nuclear gauge (Troxler Model 3440, SN 22890), outside the site of usage, as specified on the NRC license, or on a public highway, and the package was not blocked and braced such that it could not change position during conditions normally incident to transportation

This is a Severity Level IV violation (Supplement V).

Pursuant to the provisions of 10 CFR 2.201, ECS, Mid-Atlantic, LLC is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I, 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" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the 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