

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: ECS Mid-Atlantic, LLC EA-05-078, 05-079
Chantilly, VA
Docket Nos. 030-33097, 030-30462

Subject: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY -
\$3,250

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$3,250 will be issued on or about September 8, 2005, to the ECS Mid-Atlantic, LLC (formerly Engineering Consulting Services) Chantilly, VA office. This action is based on a Severity Level III violation involving the transfer of multiple portable gauging devices containing NRC licensed material to a person who was not authorized to receive such byproduct material under the terms of a specific or general license issued by the Commission or Agreement State. The licensee exercised careless disregard when they transferred multiple portable gauging devices to Mr. John Myers, the President, Owner, and sole-employee of Universal Calibrations located in Westbrook, Maine, when they failed to verify that he was authorized by an NRC or Agreement State license to possess these devices. Specifically, the licensee became aware they did not have proof of Mr. Myers license and, in spite of multiple requests to obtain copies of such license, never obtained proof of any license while continuing their business relationship with Mr. Myers.

Because this was the first escalated enforcement action within two years and two inspections, the staff considered whether credit was warranted for *Corrective Action*. Credit for corrective action is warranted because the licensee's corrective actions were considered prompt and comprehensive. However, the licensee's actions were determined to be willful. Therefore, the staff is proposing imposition of the base civil penalty of \$3,250.

Additionally, a Notice of Violation will be issued to the licensee's Richmond, VA office for a Severity Level III violation involving the improper sale and transfer of a portable gauging device. Specifically, the licensee sold a portable gauging device to Mr. Myers, without verifying he was licensed by the NRC or an Agreement State to receive or possess NRC licensed material.

Because this was the first escalated enforcement action within two years and two inspections, the staff considered whether credit was warranted for *Corrective Action*. Credit for corrective action is warranted because the licensee's corrective actions were considered prompt and comprehensive. It was determined that the licensee's action was not willful, therefore, a civil penalty is not warranted.

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Final Significance Determination	September 8, 2005
Telephone Notification of Licensee	September 8, 2005

The States of Virginia and Maine will be notified.

Contacts: Audrey Hayes, OE, 415-3121 Mike Johnson, OE, 415-2741

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OFC	OE	C	OE	
NAME	A. Hayes		J. Luehman	
DATE	09/ /05		09/ /05	

**PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL VERIFICATION
THAT LICENSEE HAS RECEIVED ACTION**