



ECS – Mid-Atlantic, LLC

Geotechnical • Construction Materials • Environmental

October 17, 2005

Mr. Johnson
Director, Office of Enforcement
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, Maryland 20852-2738

Reference: Reply to Notice of Violation ECS Mid-Atlantic, LLC, Docket No. 03033097,
License No. 45-25239-01

Dear Mr. Johnson:

As required by the provisions of 10CFR 2.201, this letter confirms that the Richmond office of ECS Mid-Atlantic (ECS) mistakenly transferred portable nuclear gauges to Universal Calibrations (UC) of Westbrook, Maine. UC was not authorized by any license to receive the material at the time of the transfers.

On several occasions, ECS released gauges containing radioactive materials to UC, relying on (1) representations made by Mr. John Myers of UC, and (2) documents provided by the gauge manufacturer that indicated that Mr. Myers possessed the training and authorization to service, repair and calibrate their instruments. ECS did not obtain proof of Mr. Myers license to handle the subject radioactive material prior to releasing gauges to Mr. Meyers or UC.

ECS acknowledges the severity of the violation, and agrees that it was the product of internal procedural lapses resulting from a lack of emphasis on obtaining proper documentation rather than an intent to disregard NRC regulations.

We agree that ECS should have taken additional steps more quickly to ensure that radioactive materials could be legally released to Mr. Myers.

Upon learning from the NRC that Mr. Myers was not properly licensed, and that the manufactures representations were insufficient and misleading, ECS took several steps to immediately prevent radioactive materials from being released to unauthorized individuals in the future. These steps included conducting an emergency conference call with all RSOs within the ECS organization, emphasizing full compliance with NRC or Agreement State regulations, responded with additional training as to NRC and state requirements and documentations. In addition to these steps, the radiation safety portion of our company Safety Program was appropriately revised and augmented. Radiation safety audits have been implemented so that ECS office will be audited at least once every 18 month period for compliance with applicable NRC or state requirements. We are confident that our swift and comprehensive actions avoid future violations.

2119-D North Hamilton Street, Richmond, Virginia 23230 • (804) 353-6333 • FAX (804) 353-9478

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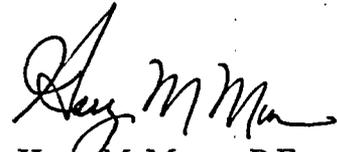
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Should you have any questions with respect to the information contained in this letter, or with any of the actions we have completed or taken to date, please do not hesitate to contact us at (804) 353-6333.

Respectfully,

ECS Mid-Atlantic, LLC


Lincoln K. Swineford, EIT
Construction Services Manager/ RSO


Harry M. Moore, P.E.
Branch Manager/Vice President

cc: Regional Administrator
U.S. Nuclear Regulatory Agency, Region I
475 Allendale Road
King of Prussia, Pennsylvania 19406-1415

SAFETY/NRC-DOCKET 03033097.DOC