



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

March 14, 2014

Docket No. 03037596
EA-14-029

License No. 32-31294-01

Kris Stamm
Branch Manager/Vice President
ECS Carolinas, LLP
7211 Ogden Business Park, Suite 201
Wilmington, NC 28411

SUBJECT: NRC INSPECTION REPORT NO. 03037596/2013001, ECS CAROLINAS, LLP,
WILMINGTON, NC

Dear Mr. Stamm:

This letter refers to the inspection conducted on November 20, 2013, at the ECS Carolinas, LLP, (ECS) facility in Wilmington, NC, and a field site inspection located at the Marine Corps Base Camp Lejeune. We also reviewed additional information, contained in correspondence from ECS on February 18, 2014, as part of this inspection. The inspection examined your licensed activities related to radiation safety and to compliance with the Commission's regulations and the conditions of your license. The inspection consisted of observations by the inspector, interviews with personnel, and a selective examination of representative records. The enclosed report presents the results of this inspection. We discussed these results with you and Harry Slater, Radiation Safety Officer, of your organization, via telephone at the conclusion of the inspection on March 10, 2014.

Based on the results of this inspection, two apparent violations were identified and are discussed in Section II of the enclosed report. The apparent violations are being considered for escalated enforcement action 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>.

The apparent violations are related to the May 24, 2011, event at the Marine Corps Base Camp Lejeune, in which your staff temporarily lost control of a portable gauge. That event is the subject of NRC Event No. 46876, and involved the failure to control and maintain constant surveillance of licensed material that was in a controlled or unrestricted area and that was not in storage, as required by 10 CFR 20.1802; and the failure to use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, when the portable gauge was not under the control and constant surveillance of the licensee, as required by 10 CFR 30.34(i).

The details and the circumstances surrounding the apparent violations are described in the enclosed Inspection Report No. 03037596/2013001 (Enclosure 1).

The circumstances surrounding the apparent violations, the significance of the issues, and the need for lasting and effective corrective action were discussed with you and Mr. Slater during the inspection exit meeting at the conclusion of the inspection. As a result, the NRC does not need a predecisional enforcement conference (PEC) in order to enable us to make an enforcement decision. In addition, since your facility has not been the subject of escalated enforcement actions within the last two years or the last two inspections, and based on our understanding of your corrective actions, a civil penalty may not be warranted in this case, in accordance with Section 2.3.4 of the Enforcement Policy.

Before the NRC makes its enforcement decision, we are providing you an opportunity to (1) request a PEC, (2) respond to the apparent violations in writing, or (3) accept the violations as characterized in this letter and its enclosure (in which case the NRC will proceed with its enforcement decision). Please contact Mr. Blake Welling, Chief, Commercial, Industrial, R&D, and Academic Branch, at 610-337-5205 **within 10 days** of the date of this letter to notify the NRC whether you are interested in attending a PEC, providing a written response, or accepting the violations.

If you choose to request a PEC, the meeting should be held in our office in King of Prussia, PA, within 30 days of the date of this letter. The PEC will afford you the opportunity to provide your perspective on the apparent violations and any other information that you believe the NRC should take into consideration before making an enforcement decision. The topics discussed during the conference may include the following: information to determine whether or not the violations occurred, information to determine the significance of the violations, information related to the identification of the violations, and information related to any corrective actions taken or planned to be taken. If a PEC is held, it will be open for public observation and the NRC will issue a press release to announce the conference time and date.

If you choose to provide a written response, it should be sent to the NRC within 30 days of the date of this letter. Your response may reference or include previously docketed correspondence. It should be clearly marked as a "Response to Apparent Violations in Inspection Report No. 03037596/2013001; EA-14-029," and sent to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region I, 2100 Renaissance Boulevard, King of Prussia, PA 19406.

In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

Current NRC regulations and guidance are included on the NRC's website at 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; 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). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

K. Stamm

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If you have any questions concerning this matter, please contact Mr. Blake Welling of my staff at 610-337-5205.

Thank you for your cooperation.

Sincerely,

/RA/

James W. Clifford, Director
Division of Nuclear Materials Safety

Enclosure:
Inspection Report No. 03037596/2013001

cc w/Enclosure:
Harry Slater, Radiation Safety Officer
Timothy H. Akers, Safety Dept., Camp Lejeune

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DATE	3/11/2014		3/11/2014		3/11/2014		3/14/2014	

see previous concurrences*

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