



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

September 30, 2015

Docket No. 03036600

License No. 37-30921-01

William D. Friedah, P.E.
Branch Manager/Vice President
ECS Mid-Atlantic, LLC
56 Grumbacher Road, Suite D
York, PA 17406

SUBJECT: NRC INSPECTION REPORT NO. 03036600/2015001, ECS MID-ATLANTIC, LLC, YORK, PENNSYLVANIA SITE AND NOTICE OF VIOLATION

Dear Mr. Friedah:

On August 20 and September 2, 2015, Dennis Lawyer of this office conducted a safety inspection at the above address and at the New Cumberland Army Depot, New Cumberland, Pennsylvania, 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 selective examination of representative records. Additional information provided in your correspondence dated September 21, 2015, and the telephone conversation on September 24, 2015, between you and this office were also examined as part of the inspection. The findings of the inspection were discussed with you at the conclusion of the inspection.

Additionally, the previous violation cited on September 9, 2010, and its corrective actions were reviewed. The previous violation is closed.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that two Severity Level IV violations of NRC requirements occurred. The violations involved: 1) the failure to have shipping papers and emergency response information while transporting material on public highways; and 2) the failure to have operating and emergency procedures at the job site while operating a nuclear gauge.

The violations are cited in the enclosed Notice of Violation (Notice), because the violations were identified by the NRC.

During our inspection exit meeting on September 24, 2015, you stated that you have taken corrective and preventative actions to address each violation and that ECS Mid-Atlantic, LLC, is committed to radiation safety and to compliance with NRC regulations and licensed conditions. Specifically, you stated that you had provided the required documentation to the authorized user on September 2, 2015. Further, you held a retraining session with all authorized users on September 4, 2015, to include a review of the information contained in their Annual Refresher Course, with particular emphasis on transportation requirements. Subsequently, all attendees were given a transportation/safety related exam and provided with a Nuclear Density Gauge

Transportation Check List to be used as a reminder of the necessary steps as well as the requirements to remove and transport the gauges from the licensee's facility.

The NRC has concluded that information regarding: (1) the reason for the violations; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket. Therefore, you are not required to respond to this letter. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description in the aforementioned correspondence does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

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).

Please contact Dennis Lawyer at 610-337-5366 if you have any questions regarding this matter.

Sincerely,

/RA/

Blake Welling, Chief
Commercial, Industrial, R&D and Academic
Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc: Commonwealth of Pennsylvania

Transportation Check List to be used as a reminder of the necessary steps as well as the requirements to remove and transport the gauges from the licensee's facility.

The NRC has concluded that information regarding: (1) the reason for the violations; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket. Therefore, you are not required to respond to this letter. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description in the aforementioned correspondence does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

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).

Please contact Dennis Lawyer at 610-337-5366 if you have any questions regarding this matter.

Sincerely,

/RA/

Blake Welling, Chief
Commercial, Industrial, R&D and Academic Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc: Commonwealth of Pennsylvania

Distribution:
B. Bickett, RI

DOCUMENT NAME: G:\WordDocs\Current\Insp Letter\L37-30921-01.2015001.doc

ML15273A298

SUNSI Review Complete: DLawyer

After declaring this document "An Official Agency Record" it will be released to the Public.

To receive a copy of this document, indicate in the box: "C" = Copy w/o attach/encl "E" = Copy w/ attach/encl "N" = No copy

OFFICE	DNMS/RI	N	DNMS/RI	DNMS/RI		
NAME	DLawyer/dl		BWelling/bw			
DATE	9/30/2015		9/30/2015			

NOTICE OF VIOLATION

ECS Mid-Atlantic, LLC
York, PA

Docket No. 03036600
License No. 37-30921-01

During an NRC inspection conducted on August 20 and September 2, 2015, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Title 10 of the Code of Federal Regulations (CFR) Part 71.5 (a) requires, in part, that each licensee who transports licensed materials outside the site of usage or where transport is on public highways, shall comply with the applicable requirements of the U.S. Department of Transportation regulations in 49 CFR Parts 170 through 180.

49 CFR 177.817(a) requires that a person cannot accept hazardous material for transportation or transport unless it is accompanied by shipping papers prepared in accordance with 49 CFR 172.200-203. Pursuant to 49 CFR 172.101, radioactive material is classified as hazardous material.

49 CFR 172.600, requires, in part, no person may offer for transportation or accept for transportation a hazardous material unless emergency response information (49 CFR 172.602) is available for use during transportation.

Contrary to the above, on September 2, 2015, the licensee transported a Troxler Model 3430 (licensed material and hazardous material) on public highways without a shipping paper and emergency response information.

This is a Severity Level IV violation (Enforcement Policy Section 6.8).

- B. Condition 19 of NRC License No. 37-30921-01 requires, in part that the licensee conduct its program in accordance with statements, representations, and procedures contained in the application dated June 3, 2014.

A procedure contained within the application dated June 3, 2014, is the "Radiation Safety Program for ECS Mid-Atlantic, LLC," revised February 27, 2013. Item 13 in the section titled, "Individual Gauge Operator," of the "Radiation Safety Program for ECS Mid-Atlantic, LLC" states, in part, while equipment is in the operator's possession, the operator will have a copy of the Radiation Safety Plan with Emergency Procedures and the Gauge Operating Manual.

Contrary to the above, on September 2, 2015, a Troxler Model 3430 was in the operator's possession at a temporary job site and the operator did not have a copy of the Radiation Safety Plan with Emergency Procedures and the Gauge Operating Manual.

This is a Severity Level IV violation (Enforcement Policy Section 6.3).

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, IR03036600/2015001," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region 1, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated This 30 day of September 2015