



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

January 18, 2017

Docket No. 03035452

License No. 45-25532-01

Michael J. Galli, P.E.  
Vice President/Branch Manager  
ECS Mid-Atlantic, LLC  
804 Professional Place West  
Chesapeake, VA 23320

**SUBJECT: NRC INSPECTION REPORT NO. 03035452/2016001, ECS MID-ATLANTIC, LLC, VIRGINIA BEACH, VIRGINIA SITE, WALLOPS ISLAND TEMPORARY JOBSITE, AND NOTICE OF VIOLATION**

Dear Mr. Galli:

On November 30, 2016, Steven Courtemanche of this office conducted a safety inspection at 2700 International Parkway, Virginia Beach, Virginia and a temporary jobsite in Wallops Island, Virginia, with continuing in-office review through January 9, 2017. The inspection examined 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. The findings of the inspection were discussed with David Matheny of your staff via telephone at the conclusion of the inspection.

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 circumstances surrounding these violations, the significance of the issues, and the need for lasting and effective corrective action were discussed with you and members of your staff on November 30, 2016, at the conclusion of the on-site inspection, and again with Mr. Matheny on January 9, 2017, via telephone at the exit meeting.

The violations involved: 1) the failure to evaluate the performance capability of modified packages (shipping containers) with respect to compliance with design requirements of 49 CFR 173.412 and the test requirements in 49 CFR 173.465; and 2) the failure to evaluate occupational exposure of individuals who lost dosimeters, assign exposure recorded on replacement dosimeters or for new employees issued dosimeters from unassigned dosimeters, and to evaluate anomalous dosimeter readings as required by License Condition No. 19.

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

During our inspection exit telephone meeting on January 9, 2017, Mr. Matheny indicated that you have taken or will take 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. Further, Mr. Matheny stated verbally that the licensee has taken or will take the following corrective and preventative actions:

- 1) The shipping containers that were at temporary jobsites were examined upon their return to the office and found to be in compliance;
- 2) The modified shipping container was taken out of service and sent back to the manufacturer and replaced as of late December 2016; and
- 3) The Radiation Safety Officer will review dosimetry records and contact the dosimetry processor by the end of January 2017 to make revisions to the dosimetry record for those individuals who either lost their dosimetry and were issued replacement dosimetry, were issued dosimetry as new employees, or who had received anomalous readings.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the 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](http://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](http://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).

M. Galli

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Please contact Steven Courtemanche at 610-337-5075 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 w/Encl: David M. Matheny, Radiation Safety Officer  
Commonwealth of Virginia

M. Galli

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Please contact Steven Courtemanche at 610-337-5075 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 w/Encl: David M. Matheny, Radiation Safety Officer  
Commonwealth of Virginia

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**SUNSI Review Complete: SCourtemanche**

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## **NOTICE OF VIOLATION**

ECS Mid-Atlantic, LLC  
Chesapeake, VA

Docket No. 03035452  
License No. 45-25532-01

During an NRC inspection conducted on November 30, 2016, with continuing in-office review through January 9, 2017, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. License Condition 18 of NRC License No. 45-25532-01 requires the licensee to conduct licensed activities in accordance with 10 CFR 71 regarding the transportation of licensed materials.

10 CFR 71.5(a) requires, in part, that each licensee who transports licensed material outside 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, shall comply with the applicable requirements of the Department of Transportation (DOT) regulations in 49 CFR Parts 107, 171 through 180, and 390 through 397.

49 CFR 173.461(a) requires, in part, that compliance with the design requirements in 49 CFR Part 173.412 and the test requirements in 49 CFR Parts 173.465 through 173.469 must be shown by any of the methods appropriate for the particular feature being evaluated.

Contrary to the above, as of November 30, 2016, ECS Mid-Atlantic, LLC did not evaluate the performance capability of modified packages (shipping containers) with respect to compliance with design requirements of 49 CFR 173.412 and the test requirements in 49 CFR 173.465. Specifically, the licensee installed new hasps onto the shipping container for one of its portable moisture density gauges after the manufacturer's hasps broke and used the shipping container to transport the portable moisture density gauge on May 31, 2016, June 1 and 2, 2016, June 23, 2016, and July 6, 2016, to temporary jobsites in areas of exclusive jurisdiction without performing the evaluation.

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

- B. License Condition 19 of NRC License No. 45-25532-01 requires, except as specifically provided otherwise in the license, that the licensee conduct its program in accordance with the application dated September 23, 2010. The U.S. Nuclear Regulatory Commission's regulations shall govern unless the statements, representations, and procedures in the licensee's application correspondence are more restrictive than the regulations.

Item 10, "Radiation Safety Program – Occupational Dosimetry" of the application dated September 23, 2010, requires that either the licensee shall maintain, for inspection by the NRC, documentation demonstrating that unmonitored individuals are not likely to receive a radiation dose in excess of 10 percent of the allowable limits in 10 CFR Part 20, or the licensee will provide dosimetry processed and evaluated by an NVLAP-approved processor that is exchanged at a frequency recommended by the processor.

Contrary to the above, as of November 30, 2016, the licensee provided dosimetry which was processed and evaluated by an NVLAP-approved processor and were exchanged at a frequency recommended by the processor except in the case of lost dosimetry. Specifically, the Radiation Safety Officer did not make an evaluation of the potential dose received by authorized users for the wear period of the lost dosimeters, did not amend the dosimetry records of authorized users for the dose recorded on the replacement dosimetry assigned to the authorized users in place of the lost dosimetry or new employees who were assigned unused dosimetry, and did not evaluate anomalous dosimeter readings.

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

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 compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

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.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

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

Dated This 18<sup>th</sup> day of January 2017