



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

May 31, 2018

Christopher D. Smith, Chief Engineer  
U.S. Department of Homeland Security  
Science and Technology Directorate  
Transportation Security Laboratory  
William J. Hughes Technical Center, Bldg. 315  
Atlantic City International Airport  
Atlantic City, NJ 08405

SUBJECT: U.S. DEPARTMENT OF HOMELAND SECURITY - NRC INSPECTION NO.  
03030808/2018-001 AND NOTICE OF VIOLATION

Dear Mr. Smith:

This letter refers to the inspection conducted on March 14, 2018, at the Transportation Security Laboratory located in Atlantic City, New Jersey with in-office review through May 16, 2018. This inspection examined activities conducted under your license as they relate to public health and safety, and to confirm compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on the results of this inspection, the NRC has determined that two Severity Level IV violations of NRC requirements occurred. These 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>). The violations are cited in the enclosed Notice of Violation (Notice) because the violation was identified by the NRC.

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 will be achieved is already adequately addressed on the docket and include: for violation A, disposing of the detector cell, survey, and training of personnel have already been completed; for violation B a report to the General License Tracking System will be made by May 30, 2018. Therefore, you are not required to respond to this letter unless the description herein 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.

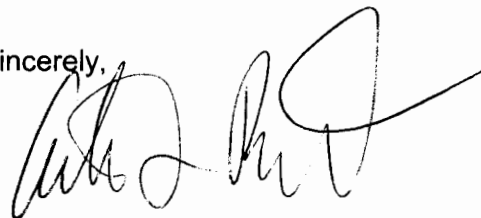
In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC Web site 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 Web Site 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 Web Site 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).

If you have any questions regarding this matter, please contact Dennis Lawyer of my staff at 610-337-5366 or via electronic mail at [dennis.lawyer@nrc.gov](mailto:dennis.lawyer@nrc.gov).

Thank you for your cooperation.

Sincerely,



Arthur L. Burritt, Chief  
Commercial, Industrial, R&D  
and Academic Branch  
Division of Nuclear Materials Safety  
Region I

Docket No. 03030808  
License No. 29-13141-06

Enclosure:  
Notice of Violation

cc w/Encl: Colin F. O'Connor, RSO  
State of New Jersey

Current NRC regulations and guidance are included on the NRC's Web Site 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 Web Site 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).

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Thank you for your cooperation.

Sincerely,

*RAI*

Arthur L. Burritt, Chief  
 Commercial, Industrial, R&D  
 and Academic Branch  
 Division of Nuclear Materials Safety  
 Region I

Docket No. 03030808  
 License No. 29-13141-06

Enclosure:  
 Notice of Violation

cc w/Encl: Colin F. O'Connor, RSO  
 State of New Jersey

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**SUNSI Review Complete: DLawyer**

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## NOTICE OF VIOLATION

U.S. Department of Homeland Security  
Atlantic City, New Jersey

Docket No. 030-30808  
License No. 29-13141-06

During an NRC inspection conducted on March 14, 2018, and in-office review through May 16, 2018, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. License Condition 15 of byproduct materials license 29-13141-06, requires in part, that detector cells containing licensed material shall not be opened or the foil sources removed from the detector cell by the licensee.

Contrary to the above, as of March 14, 2018, the licensee had opened a detector cell containing licensed material and the foil source was removed from the detector cell. Specifically, a Smiths IMS-MS detector cell, serial number Joe1, had been opened and the foil source removed.

This is a Severity Level IV violation. (Enforcement Policy Section 6.7)

- B. 10 CFR 31.5(c)(8)(ii) requires, in part, that any person who acquires, receives, possesses, uses or transfers byproduct material in a device pursuant to the general license in paragraph (a) of this section shall, within 30 days after the transfer of a device to a specific licensee, furnish a report to the Director, Office of Nuclear Material Safety and Safeguards.

Contrary to the above, as of October 8, 2014, the licensee had acquired, received, possessed, used or transferred byproduct material in a device pursuant to the general license in paragraph (a) of this section and, within 30 days after the transfer of a device to a specific licensee, did not furnish a report to the Director, Office of Nuclear Material Safety and Safeguards. Specifically, the licensee had received two Ionscan Sabre 4000, serial number 41900 and 41901, transferred them to Veoloia Alaron Nuclear Services, and did not notify the Director, Office of Nuclear Material Safety and Safeguards.

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 violations and prevent recurrence and the date when full compliance will be 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," and send it 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).

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

Dated This 31st day of May 2018