



ECS – Mid-Atlantic, LLC

Geotechnical • Construction Materials • Environmental

December 15, 2005

United States Nuclear Regulatory Commission
Washington, D.C. 20555
Attn.: Document Control Desk

RE: Reply to a Notice of Violation

From: ECS Mid-Atlantic, LLC
Docket No. 03033097
License No. 45-25239-01

ECS Mid-Atlantic, LLC (ECS) is in receipt of the Notice of Violation dated November 22, 2005. For your convenience, a copy of the NOV is attached.

In response, ECS offers the following:

Item A:

1. ECS personnel routinely use the garage door as means of loading and unloading equipment; therefore the door is often unlocked during regular business hours. During non-business hours, this door is always locked. In addition, there is usually ECS personnel in the vicinity of the garage door.
2. ECS has purchased and installed a dead bolt lock for the door of the Nuclear Gauge storage room. The storage room was previously secured by a padlock and hasp. By installing the deadbolt, which is keyed differently, ECS has provided two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal.
3. All employees have been counseled to re-enforce keeping the storage room locked and secured.
4. Full compliance was achieved as of this date.

Item B:

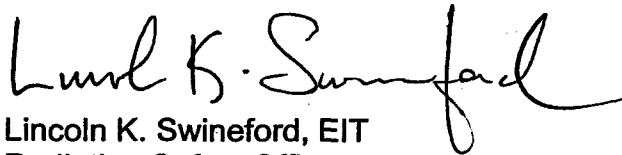
1. These locks were misplaced by technicians that had used the gauges in question. It is ECS' policy to comply with NRC Regulations by providing locks on the shipping case and the handle of the gauge.
2. ECS has purchased new locks for those gauges.
3. All employees have been counseled in to re-enforce keeping the nuclear gauges properly secured.
4. Full compliance was achieved on November 2, 2005.

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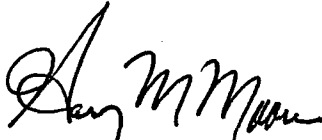
We appreciate the opportunity to reply and hope the enclosed information meets your needs. If we may be of any further assistance or should you have any questions, please do not hesitate to contact our office.

Sincerely,

ECS MID-ATLANTIC, LLC

A handwritten signature in black ink, appearing to read "Lincoln K. Swineford". The signature is fluid and cursive, with the first name being the most prominent.

Lincoln K. Swineford, EIT
Radiation Safety Officer
Field Services Department Manager

A handwritten signature in black ink, appearing to read "Harry M. Moore". The signature is cursive, with the first name being the most prominent.

Harry M. Moore, PE
Branch Manager

NOTICE OF VIOLATION

ECS Mid-Atlantic, LLC
Richmond, VA

Docket No. 03033097
License No. 45-25239-01

During an NRC inspection conducted on November 1 and 2, 2005, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 30.34 (I) requires that each portable gauge licensee shall use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.

Contrary to the above, on November 1, 2005, a second independent physical control that forms a tangible barrier to secure the licensee's portable gauge from unauthorized removal was not present and the gauge was not under the control and constant surveillance of the licensee. Specifically, on November 1, 2005, the garage door to the building which was licensee's second barrier was found in the up and unlocked position.

This is a Severity Level IV violation (Supplement VI).

- B. Condition 17 of License No. 45-25239-01 requires that each portable nuclear gauge shall have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position. The gauge or its container must be locked when in transport, storage or when not under the direct surveillance of an authorized user.

Contrary to the above, on November 1, 2005, two Troxler Model 3430 gauges, Serial Nos. 28844 and 28721 did not have a lock on the shipping case or the handle of the gauge designed to prevent unauthorized or accidental removal of the sealed source from its shielded position.

This is a Severity Level IV violation (Supplement VI).

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.

Dated This 22nd day of November 2005