



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

May 9, 2016

Docket No. 03019282

License No. 19-19822-01

Dennis Raver
General Manager
ATC Associates, Inc.
9231 Rumsey Road
Columbia, MD 21045

SUBJECT: NRC INSPECTION REPORT NO. 03019282/2016001, ATC ASSOCIATES, INC., COLUMBIA, MARYLAND SITE AND NOTICE OF VIOLATION

Dear Mr. Raver:

On April 26 and 27, 2016, Dennis Lawyer of this office conducted a safety inspection at the above address 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 May 2, 2016, and the telephone conversation on May 4, 2016, 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.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation involved not properly labeling a package when shipping an x-ray fluorescence analyzer.

The violation is cited in the enclosed Notice of Violation (Notice), because the violation was identified by the NRC.

During our inspection exit meeting on May 4, 2016, you indicated that you had labeled the package so that it would be in compliance in the future. The case was not labeled because the manufacturer provided a new case during source exchange and you didn't notice that the new case was not properly labeled for shipment.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed in our records. Therefore, you are not required to respond to this letter unless the description of your corrective actions in this letter 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 RRagland f/

Monica L. Ford, Acting Chief
Commercial, Industrial, R&D and
Academic Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc w/Encl: State of Maryland

D. Raver

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Monica L. Ford, Acting Chief
Commercial, Industrial, R&D and
Academic Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc w/Encl: State of Maryland

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DATE	5/9/16		5/9/16				

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NOTICE OF VIOLATION

ATC Associates, Inc.
Columbia, MD

Docket No. 03019282
License No. 19-19822-01

During an NRC inspection conducted on April 26 and 27, 2016, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 71.5(a) requires that a licensee who transports licensed material outside of 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, comply with the applicable requirements of the regulation appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 170 through 189.

49 CFR 173.422 requires, in part, that an excepted package of Class 7 (radioactive) material that is prepared for shipment under the provisions of 49 CFR 173.421, 49 CFR 173.424, 49 CFR 173.426, or 49 CFR 173.428, is not subject to any additional requirements of this subchapter, except for the outside of each package must be marked with the UN identification number for the material preceded by the letters UN, as shown in column (4) of the Hazardous Materials Table in §172.101 of this subchapter.

Contrary to the above, between December 2, 2015, and April 26, 2016, ATC Associated, Inc., made multiple shipments of Class 7 (radioactive) material using an excepted package under the provision of 49 CFR 173.424, without marking the packages with the UN identification number for the material preceded by the letters UN, as shown in column (4) of the Hazardous Materials Table in 49 CFR 172.101 of this subchapter on the outside of each package.

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

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation 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).

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.

Notice of Violation
ATC Associates, Inc.

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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 9th day of May 2016