



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
2100 RENAISSANCE BLVD.
KING OF PRUSSIA, PA 19406-2713

February 7, 2019

Fadil M. Abdelfatah, P.E., President
FMC & Associates, LLC
P.O. Box 70263
Washington, DC 20024

**SUBJECT: FMC & ASSOCIATES, LLC - NRC INSPECTION NO. 03037848/2018001 AND
NOTICE OF VIOLATION**

Dear Mr. Abdelfatah:

This letter refers to the inspection conducted on October 4, 2018, at your main office in Washington, DC. 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. This includes our telephone conversation on February 6, 2019.

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 <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violations are cited in the enclosed Notice of Violation (Notice) because the violations were 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 includes: application and receipt of a new license for the expired license and providing the name of the new radiation safety officer (RSO) and providing a delegation of authority letter for the new RSO. 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.

If you have any questions regarding this matter, please contact James Cassata of my staff at 610-337-5303 or via electronic mail at james.cassata@nrc.gov.

Thank you for your cooperation.

Sincerely,

/RA/

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

Docket No. 03037848
License No. 08-31338-01

Enclosure:
Notice of Violation

cc w/Encl: Meley Mengstu, Radiation Safety Officer
District of Columbia

FMC & ASSOCIATES, LLC - NRC INSPECTION NO. 03037848/2018001 AND NOTICE OF VIOLATION Dated February 7, 2019

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NOTICE OF VIOLATION

FMC & Associates, LLC
Washington, DC

Docket No. 03037848
License No. 08-31338-01

During an NRC inspection conducted on October 4, 2018, with in-office review through February 6, 2019, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. License Condition 12 of NRC License Number 08-31338-01, Amendment 7, named Kaleab Desta as the Radiation Safety Officer.

Contrary to the above, on August 17, 2018, Kaleab Desta was not the Radiation Safety Officer (RSO). Specifically, Mr. Desta left the employ of the licensee on this date and Meley Mengstu began performing the duties of the RSO. The licensee did not apply for a license amendment for a change in RSO. The inspector observed that there had been a change in the Radiation Safety Office during the onsite reactive inspection performed on October 4, 2018. Mr. Mengstu was qualified to be an RSO and had completed the basic training course on radiation safety and use of nuclear gauges on August 7, 2016.

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

- B. 10 CFR 30.3 requires, in part, that no person shall manufacture, produce, transfer, receive, acquire, own, possess, or use byproduct material except as authorized in a specific or general license issued in accordance with the regulations in this chapter.

Contrary to the above, from October 1, 2018, through October 3, 2018, the licensee used byproduct material without being authorized in a specific or general license issued in accordance with the regulations in this chapter. Specifically, on September 30, 2018, the licensee allowed their specific license to expire without application for renewal. The licensee, unaware that their license had expired, continued to use their specifically licensed material on October 1, 2018, through October 3, 2018.

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

Corrective actions included application and receipt of a new license for the expired license that includes naming the new RSO and providing a delegation of authority letter for the new RSO.

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).

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 7th day of February 2019.