



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

June 24, 2019

Neil Whiteman, Exec. Vice President
Louis Berger, U.S., Inc.
96 Morton Street
New York, NY 10014

**SUBJECT: LOUIS BERGER U.S., INC. - NRC INSPECTION NO. 03038306/2019-001 AND
NOTICE OF VIOLATION**

Dear Mr. Whiteman:

This letter refers to the inspection conducted on May 12, 2019, at your New Haven, CT facility with continued in-office review through June 10, 2019. 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. On June 10, 2019, an exit meeting was conducted between Michael Solie of your staff and Steven Courtemanche of this office.

Based on the results of this inspection, the NRC has determined that 3 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.

It was also noted, during this inspection, that management authorized the disposal of records from the New Haven, CT gauge storage location without consulting the Radiation Safety Officer. The above action resulted in the irrecoverable disposal of records that the NRC required the licensee to maintain. The inspector determined through interviews that the activities documented in the records did occur; however, in your response to this letter, you must include the procedures implemented to prevent a recurrence of this event.

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. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response 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 Steven Courtemanche of my staff at (610) 337-5075 or via electronic mail at Steven.Courtemanche@nrc.gov.

Thank you for your cooperation.

Sincerely,

/RA/

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

Docket No. 03038306
License No. 31-31412-01

Enclosure:
Notice of Violation

cc w/Encl: Michael Solie, P.E., Radiation Safety Officer
James Perkins, P.E., Technician
State of New York
State of Connecticut

LOUIS BERGER U.S., INC. - NRC INSPECTION NO. 03038306/2019-001 AND NOTICE OF VIOLATION DATED JUNE 24, 2019

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DATE	6/21/19	6/24/19			

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NOTICE OF VIOLATION

Louis Berger U.S., Inc.
New Haven, CT

Docket No.03038306
License No. 31-31412-01

During an NRC inspection conducted on May 14, 2019, with continuing in-office review through June 10, 2019, 3 violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. License Condition 14.A. of NRC License No. 31-31412-01 requires that sealed sources be tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or by an Agreement State. In the absence of a registration certificate, sealed sources shall be tested for leakage and/or contamination at intervals not to exceed 6 months, or at such other intervals as specified.

Contrary to the above, as of June 7, 2019, the licensee did not test the sealed sources for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or an Agreement State. Certificate of Registration Number NR-587-D-102-S requires the test interval not exceed six months. Specifically, a gauge which contained a Cesium-137 sealed source and an Americium-241 sealed source was used on November 21 and 22, 2016; January 27, 2017; April 15, 2017; and June 1, 2017; and the licensee tested the sealed sources on October 13, 2015; May 18, 2016; and July 6, 2017.

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

- B. License Condition 15 of NRC License No. 31-31412-01 requires, in part, that the licensee shall conduct a physical inventory every six months, or at other intervals approved by the U. S. Nuclear Regulatory Commission, to account for all sealed sources and/or devices received and possessed under the license.

Contrary to the above, as of June 7, 2019, the licensee did not conduct a physical inventory every six months and another interval was not approved by the U.S. Nuclear Regulatory Commission, to account for all sealed sources and/or devices received and possessed under the license. Specifically, the licensee conducted physical inventories on October 13, 2015; May 18, 2016; and July 6, 2017; periods exceeding the required six-month interval.

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

- C. License Condition 18 of License No. 31-31412-01 requires, in part, that except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with statements, representations, and procedures contained in the letter dated June 13, 2011.

The letter dated June 13, 2011, required, in part, that gauges be stored in accordance with Appendix H of NUREG-1556, Volume 1, Revision 1.

Page H-2 of Appendix H of NUREG-1556, Volume 1, Revision 1 requires, in part, that the licensee log the gauge into the daily use log when it is returned to storage.

Contrary to the above, on various occasions prior to June 7, 2019, the licensee did not log the gauge into the daily use log when the gauge was returned to storage.

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

Pursuant to the provisions of 10 CFR 2.201, Louis Berger U.S., Inc. 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 24th day of June 2019