REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

February 5, 2010

Docket No. 03031411 License No. 45-25078-01

Michael L. Kirk, P.E.
Radiation Safety Officer
Louis Berger Group, Inc.
801 E. Main Street, Suite 500
Richmond, VA 23219

SUBJECT: NRC INSPECTION REPORT NO. 03031411/2009001, LOUIS BERGER GROUP, INC., RICHMOND, VIRGINIA SITE AND NOTICE OF VIOLATION

Dear Mr. Kirk:

On December 17, 2009, Randolph C. Ragland, Jr., of this office conducted a safety inspection at the above address of activities authorized by the above listed NRC license. The inspection continued in-office until January 29, 2010. The inspection was limited to a review of the maintenance of your program and of activities conducted at temporary job sites where NRC maintains jurisdiction. The findings of the inspection were discussed with you and Cosema Crawford, Sr. Vice President, Louis Berger Group, Inc. at the conclusion of the inspection on January 29, 2010.

Based on the results of this inspection, and in accordance with NRC Enforcement Policy, the NRC has determined that one Severity Level IV violation occurred. The violation involved a failure to review, at least annually, the content and implementation of your radiation protection program as required by 10 CFR 20.1101(c). The violation is cited in the enclosed Notice of Violation, because it was identified by the NRC.

We noted that this violation is a repeat of the violation that was identified during the previous inspection (03031411/2004001) of your licensed program, which was documented in a NRC Form 591M Part 1, issued to the Louis Berger Group, Inc. on November 16, 2004. Although we verified that you took corrective action to address the previous violation, the current violation is of concern, because your actions were not effective in preventing recurrence and indicate a lack of attention to detail. The NRC expects licensees to conduct their programs with meticulous attention to detail and high standards of safety and compliance. Due to the potential for radiation exposure to employees and the public which could result from failure to comply with NRC requirements, you are required to conduct your program according to NRC regulations, the conditions of your license, and the representations made in your application.

You attributed the occurrence of the repeat violation to a breakdown in communications that occurred between yourself and the former Radiation Safety Officer. You indicated that you assumed that a review of the radiation protection program content and implementation was not required during periods of time when you did not physically possess licensed materials. You indicated that you corrected the current violation when you performed an annual program review on December 21, 2009, and that you implemented preventative actions by developing a redundant tickler system for the Radiation Safety Officer and designated employees, which will ensure continued compliance.

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 and in your correspondence dated January 22, 2010. Therefore, you are not required to respond to this letter unless the description of your corrective actions in this letter and your January 22, 2010, correspondence 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 enclosures, 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 are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material;** then **Regulations, Guidance, and Communications Page.** The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC; How We Regulate; Enforcement;** then **Enforcement Policy.** 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 7:00 a.m. to 6:30 p.m. EST, Monday through Friday (except Federal holidays).

Please contact Randolph Ragland at 610-337-5083, if you have any questions regarding this matter.

Sincerely,

Original signed by Marie Miller

Marie Miller, Chief
Security and Industrial Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
Michael L. Kirk, P.E., Radiation Safety Officer
Commonwealth of Virginia

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Sincerely,

Original signed by Marie Miller

Marie Miller, Chief
Security and Industrial Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
Michael L. Kirk, P.E., Radiation Safety Officer
Commonwealth of Virginia

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OFFICE	DNMS/RI	N	DNMS/RI		DNMS/RI			
NAME	RRagland/MTM For		MMiller/MTM					
DATE	2/5/2010		2/5/2010					

NOTICE OF VIOLATION

Louis Berger Group, Inc.
Richmond, VA

Docket No. 03031411
License No. 45-25078-01

During an NRC inspection conducted on December 17, 2009, one violation of NRC requirements was identified as discussed during an NRC exit interview on January 29, 2010. In accordance with the NRC Enforcement Policy, the violation is listed below:

> 10 CFR Part 20.1101(c) states that the licensee shall periodically (at least annually) review the radiation protection program content and implementation.
>
> Contrary to the requirement stated above, a review of the radiation protection program content and implementation was not performed. Specifically, between 2006 and 2008, an annual review of the radiation protection program content and implementation was not performed as required by 10 CFR 20.1101(c).
>
> This is a Severity Level violation (Supplement IV).

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.

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 5th day of February 2010