



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

September 5, 2014

Docket No. 03037850

License No. 20-31340-01

Patrice McEahern
Senior Director, Environmental Health, Safety, & Quality
CB&I Federal Services LLC
150 Royall Street
Canton, MA 02021

SUBJECT: NRC INSPECTION REPORT NO. 03037850/2014001, CB&I FEDERAL SERVICES LLC, CANTON, MASSACHUSETTS SITE AND NOTICE OF VIOLATION

Dear Ms. McEahern:

On July 15, 2014, a safety inspection was conducted at CB&I Federal Services, LLC (CB&I) in Canton, Massachusetts. 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 review of records. In addition to the on-site review, the inspection also involved in-office review of additional information provided by CB&I in correspondence dated July 31, August 1, and August 7, 2014, and information provided by members of your organization during telephone calls on July 24 and August 18, 2014. The results of the inspection were discussed with Dr. Mark Somerville of your organization at the conclusion of the inspection during a conference call on August 25, 2014.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that two Severity Level IV violations of NRC requirements occurred. The first violation involved CB&I not performing baseline bioassays between May 2011 and July 2013 on individuals prior to performing work that could result in an internal exposure, as required by CB&I procedures. The second violation involved CB&I not performing an annual audit of their radiation protection program in 2013 as required by regulations.

The violations are cited in the enclosed Notice of Violation (Notice), because the violations were identified by the NRC. You are required to respond to this letter within 30 days 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. The NRC expects licensees to conduct their programs with meticulous attention to detail and high standards of safety and compliance.

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 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).

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

Please contact Kathy Modes at (610) 337-5251 if you have any questions regarding this matter.

Sincerely,

/RA/

Marc S. Ferdas, Chief
Decommissioning and Technical Support
Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc: Mark O. Somerville, MPH, Ph.D., Radiation Safety Officer
Commonwealth of Massachusetts

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Enclosure:

Notice of Violation

cc: Mark O. Somerville, MPH, Ph.D., Radiation Safety Officer
Commonwealth of Massachusetts

Distribution:

B. Bickett, RI

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DATE	9/5/2014		9/5/2014			

NOTICE OF VIOLATION

CB&I Federal Services LLC
Canton, MA

Docket No. 03037850
License No. 20-31340-01

During an NRC inspection conducted between July 15 and August 25, 2014 [which included an on-site inspection, an in-office review of information provided by CB&I Federal Services LLC (CB&I) in correspondence dated July 31, August 1, and August 7, 2014, and telephone conversations with CB&I personnel on July 24 and August 18, 2014], for which an exit meeting was conducted on August 25, 2014, violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Condition 26.A of License No. 20-31340-01 states, in part, that CB&I shall conduct its program in accordance with statements, representations, and procedures contained in the application dated October 21, 2008.

The application dated October 21, 2008 contains CB&I Radiation Protection Procedure SOP T-RA-013, "Bioassay and Internal Exposure Monitoring," and states, in part, that all personnel who will perform work that presents any internal exposure potential to submit a bioassay sample prior to beginning such work, after termination of the work assignment and as required by the project internal dosimetry program.

Contrary to the above, between May 18, 2011 and July 24, 2013, CB&I personnel performing work that presented an internal exposure potential did not submit a bioassay sample prior to beginning such work. Specifically, CB&I did not perform baseline bioassays on personnel prior to performing work on damaged tritium exit signs.

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

- B. 10 CFR 20.1101(c) requires, in part, that licensees shall periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, as of July 15, 2014, CB&I did not periodically review their radiation protection program content and implementation. Specifically, an annual review (audit) of the licensee's radiation protection program was not conducted in 2013. The last audit of their NRC licensed program was performed in February 2012.

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

Pursuant to the provisions of 10 CFR 2.201, CB&I 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 5th day of September 2014