



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

June 14, 2016

Docket No. 03022286

License No. 55-23507-01

Justin W. Berkeley, P.E.
President and Radiation Safety Officer
Antillean Engineers, Inc.
P.O. Box 3023
Kingshill
St. Croix, VI 00851

SUBJECT: NRC INSPECTION REPORT NO. 03022286/2016001, ANTILLEAN ENGINEERS, INC., ST. CROIX, VIRGIN ISLANDS SITE AND NOTICE OF VIOLATION

Dear Mr. Berkeley:

On May 5, 2016, through May 25, 2016, Craig Gordon 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 the telephone conversation on May 25, 2016 between Mr. Raymond Berkeley of your organization and this office was also examined as part of the inspection. The findings of the inspection were discussed with Mr. Berkeley 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 three Severity Level IV violations of NRC requirements occurred. The violations involved: 1) the failure to periodically (at least annually) review the radiation safety program content and implementation; 2) the failure of all authorized users to receive HAZMAT training every three years; and, 3) the failure to conduct a physical inventory every six months to account for all sources and/or devices received and possessed under the license .

The violations are cited in the enclosed Notice of Violation (Notice), because the violations were identified by the NRC. Also, items A and B as listed in the Notice are repeat violations that were identified during previous inspections of your licensed program. These were documented in the Notice of Violation enclosed with our letter dated December 13, 2010. Although we had verified that you took corrective action to address the previous violations, the current violations are of concern, because your corrective 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. Because of the potential for radiation exposure to employees and the public which could result from failure to comply with NRC requirements, you must conduct your program according to NRC regulations, the conditions of your NRC license, and the representations made in your application.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements

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 Agencywide Documents Access and Management 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.

Current NRC regulations and guidance are included on the NRC's Web Site 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 Web Site 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 Craig Gordon at 610-337-5216 if you have any questions regarding this matter.

Sincerely,

/RA/ BUIrich f/

Blake Welling, Chief
Commercial, Industrial, R&D and
Academic Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc w/encl: Territory of the Virgin Islands

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/RA/ Bullrich f/
 Blake Welling, Chief
 Commercial, Industrial, R&D and
 Academic Branch
 Division of Nuclear Materials Safety

Enclosure:
 Notice of Violation

cc w/encl: Territory of the Virgin Islands

Distribution:
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OFFICE	DNMS/RI	N	DNMS/RI				
NAME	CGordon\cg		BWelling\BULLrich f\				
DATE	6/14/16		6/14/16				

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Antillean Engineers, Inc.
St. Croix, USVI

Docket No. 03022286
License No. 55-23507-01

During an NRC inspection conducted on May 5-25, 2016, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 20.1101(c) requires that the licensee periodically (at least annually) review the radiation safety program content and implementation.

Contrary to the above, as of May 25, 2016, the licensee had not reviewed the radiation protection program annually. Specifically, the licensee has not performed a periodic (at least annually) review of the radiation safety program content and implementation since November 2010. This is a repeat violation identified during the previous two inspections performed in 2005 and 2010.

This is a Severity Level IV violation. (Section 6.3.d.3)

- B. 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 172.704(c)(2) states that a HAZMAT employee shall receive training required by this subpart at least once every three years.

Contrary to the above, all authorized users (HAZMAT employees), who performed DOT functions subject to the requirements of 49 CFR Parts 171-177 were not trained as required. Specifically, all authorized users who performed DOT functions had not received HAZMAT training since October 2010. This is a repeat violation.

This is a Severity Level IV violation. (Section 6.3.d.4)

- C. Condition 15 of License Number 55-23507-01 requires the licensee shall conduct a physical inventory every six months, or at intervals approved by the U.S. Nuclear Regulatory Commission, to account for all sources and/or devices received and possessed under the license.

Contrary to the above, as of May 25, 2016, the licensee failed to conduct a physical inventory every six months to account for all sources and/or devices received and possessed under the license. Specifically, since the last inspection in October 2010, the licensee had not conducted a physical inventory of sources and devices possessed under the license.

This is a Severity Level IV violation (Section 6.3.d.3).

Pursuant to the provisions of 10 CFR 2.201, Antillean Engineers, 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 14th day of June 2016.