



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

March 14, 2019

Raymond Berkeley, President
Antillean Engineers, Inc.
P.O. Box 3023
Kingshill, St. Croix, U.S. Virgin Islands 00851

**SUBJECT: ANTILLEAN ENGINEERS, INC. - NRC INSPECTION NO. 03022286/2018001
AND NOTICE OF VIOLATION**

Dear Mr. Berkeley:

This letter refers to the inspection conducted on September 18th and 19th at your Kingshill, St. Croix facility. 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 available procedures and representative records, observations of activities, and interviews with personnel. Subsequent telephone conversations were conducted following the onsite inspection in an attempt to yield and review additional documentation concerning your NRC regulated activities. The results of this inspection were discussed via telephone conversation with Raymond Berkeley at the conclusion of the inspection on March 8, 2019.

Based on the results of this inspection, the NRC has determined that six 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. Additionally, Violations C and D are repetitive from the previous inspection as a result of inadequate corrective actions, with Violation C having also been identified in the 2016, 2010, and 2005 inspections. The current violations are of concern because the corrective actions you committed to in your response to the previous Notices of Violations were either not implemented or were not effective in preventing recurrence and indicate a lack of attention to detail. The NRC expects licensees to conduct their programs with 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 the failure to comply with NRC requirements. Therefore, you must conduct your program according to NRC regulations, the conditions of your NRC license, and the representations made in your application and correspondence on the docket.

It is imperative that appropriate and comprehensive corrective actions be completed in a timeframe commensurate with the significance and breadth of the current and previous violations. Additional enforcement actions, including the issuance of additional notices of violation, imposition of a civil penalty, or issuance of an order suspending, modifying, or revoking your license may be required in the event of continued failures to restore and maintain compliance, as specified in the NRC's Enforcement Policy.

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. A follow-up inspection will be completed in the near future to verify compliance has been restored. Furthermore, Antillean Engineers, Inc. will be placed on a further shortened inspection cycle in accordance with our Inspection Manual Chapter 2800, "Materials Inspection Program".

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 Leonardo Wardrobe of my staff at 610-337-5171 or via electronic mail at leonardo.wardrobe@nrc.gov.

Thank you for your cooperation.

Sincerely,

/RA/

Arthur Burritt, Chief
Commercial, Industrial, R&D
and Academic Branch
Division of Nuclear Materials Safety
Region I

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

Enclosure:
Notice of Violation

ANTILLEAN ENGINEERS, INC. - NRC INSPECTION NO. 03022286/2018001 AND NOTICE OF VIOLATION DATED **March 14, 2019.**

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 JTrapp, DNMS
 JNick, DNMS

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NOTICE OF VIOLATION

Antillean Engineers, Inc.
Kingshill, St. Croix, USVI 00851

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

During an NRC inspection conducted on September 18, 2018 and continuing in office review through March 08, 2019, six violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 30.34(i) requires that each portable gauge licensee use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.

Contrary to the above, on September 18, 2018, the licensee failed to use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, when the portable gauges were not under the control and constant surveillance of the licensee. Specifically, the gauges were secured in a storage room with only one tangible barrier to prevent unauthorized removal.

As corrective action, the licensee added a second independent, tangible barrier to secure the portable gauges from unauthorized removal on September 18, 2018.

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

- B. Condition 12 of License Number 55-23507-01 states that "The Radiation Safety Officer for this license is Justin W. Berkeley."

Contrary to the above, as of September 18, 2018, the RSO for the license was Raymond Berkeley. The license had not been updated to reflect this change that occurred during the inspection period.

As corrective action, the licensee submitted a license amendment request on October 5, 2018, to change the RSO listed on the license.

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

- C. 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 September 18, 2018, the licensee failed to periodically (at least annually) review the radiation safety program content and implementation. Specifically, the licensee failed to perform an annual review of the radiation safety program content and implementation during the inspection period as required by regulation and as committed to as a corrective action for the violation in the 2016 inspection report. This is a repeat violation identified during the previous three inspections performed in 2016, 2010, and 2005.

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

- D. Condition 15 of License Number 55-23507-01 requires 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 sources and/or devices received and possessed under the license.

Contrary to the above, as of September 18, 2018, the licensee failed to conduct a physical inventory every six months, or at other intervals approved by the U.S. Nuclear Regulatory Commission, to account for all sources and/or devices received and possessed under the license. Specifically, since the inspection in October 2010, the licensee failed to conduct a physical inventory of sources and devices possessed under the license every six months, or at other intervals approved by the U.S. Nuclear Regulatory Commission. This is a repeat violation identified during the previous inspection performed in 2016.

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

- E. Condition 14.A of License Number 55-23507-01 requires that sealed sources shall be tested for leakage and/or contamination at intervals not to exceed six months or at the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or under equivalent regulations of an Agreement State.

Contrary to the above, for the inspection period prior to September 18, 2018, the licensee failed to ensure that sealed sources were tested for leakage and/or contamination at intervals not to exceed six months or at the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or under equivalent regulations of an Agreement State. Specifically, the licensee failed to conduct tests for leakage and/or contamination at the 12 month intervals specified in the certificate of registration, and the licensee utilized the gauge over the specified time frame.

As corrective action, the licensee performed leak tests on the sealed sources in November 2018.

This is a Severity Level IV violation (Section 6.7.d).

- F. Condition 19 of License Number 55-23507-01 states that except as specifically provided otherwise in the license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed under License Condition 19.

The letter dated May 7, 2015, referenced in License condition 19.A of License Number 55-23507-01, states that the licensee will maintain, for inspection by NRC, documentation demonstrating that unmonitored individuals are not likely to receive a radiation dose in excess of 10 percent of the allowable limits in 10 CFR Part 20, or will provide dosimetry processed and evaluated by an NVLAP approved processor that is exchanged at a frequency recommended by the processor (quarterly exchange).

Contrary to the above, the licensee failed to maintain, for inspection by NRC, documentation demonstrating that unmonitored individuals are not likely to receive a

radiation dose in excess of 10 percent of the allowable limits in 10 CFR Part 20, or provided dosimetry processed and evaluated by an NVLAP approved processor that is exchanged at a frequency (quarterly exchange) for the inspection period prior to September 18, 2018. Specifically, the licensee failed to develop and maintain an analysis showing that their authorized users would not exceed 10 percent of the allowable limits in 10 CFR Part 20 or provide dosimetry records for their authorized users demonstrating compliance for the inspection period prior to September 18, 2018.

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

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 March 2019