

LOUIS BERGER & ASSOCIATES, INC.

7637 Hull Street Road
Suite 100
Richmond, VA 23235 USA



Engineers • Economists • Planners

Telephone: (804) 674-1864
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May 19, 1994

United States Nuclear Regulatory Commission
Region II, Regional Administrator
101 Marietta Street, Suite 2900
Atlanta, GA 30323-0199

ATTENTION: Regional Administrator

RE: REPLY TO A NOTICE OF VIOLATION

This letter is in response to a Notice Of Violation dated May 5, 1994 following an inspection of our field office on April 7, 1994. Based on the results of this inspection, two of our activities were in violation of NRC requirements, as specified in the attached Notice Of Violation (Notice).

Subsequent to that inspection Louis Berger and Associates, Inc. has taken the following action:

1) Requested an amendment to our license (letter attached) to reflect:

A) Change in address to our Southeast Regional Office.

Louis Berger & Associates, Inc.
7637 Hull Street Road, Suite 100
Richmond, VA 23235
Attention: John Epperly
Phone: (804) 674-1864

B) Condition 10 revised to read:

Licensed material may be stored at 7637 Hull Street Road, Richmond, VA and at temporary job sites of the licensee anywhere in the United States where the U.S. Nuclear Regulatory Commission maintains jurisdiction for regulating the use of licensed material.

C) Condition 11 revised to read:

Revised the Radiation Protection Officer from Nabil Bejjani to John Epperly (Certificate attached).

D) Condition 12 revised by:

Revised Nabil Bejjani to John Epperly

2) Mr. John Epperly has been designated as the Radiation Safety Officer. He is the Design Manager for the Southeast Region and is permanently assigned to our Richmond office. He is currently active in our construction management projects and will be assuming the duties of the Radiation Safety Officer.

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PDR ADDCK 03031411
C PDR



- 3) All files and correspondence have been relocated and will be maintained in our Richmond Office.
- 4) The Radiation Safety Program has been revised to reflect Mr. Epperly as the Radiation Safety Officer and was redistributed to the project personnel.

In response to the individual violations, we offer the following explanation and corrective steps:

A.

- 1) Louis Berger and Associates, Inc. were under the opinion that since the gauges were located at a temporary job site that we were covered under Condition 10 ".... and at temporary job sites of the license....".
- 2) The corrective steps taken were to request an amendment to our license to revise Condition 10 to read:
"Licensed material may be stored at 7637 Hull Street Road, Richmond, Va. and at temporary job sites of the licensee anywhere in the United States where the U.S. Nuclear Regulatory Commission maintains jurisdiction for regulating the use of licensed material."
As of this date, we have no confirmation of the pending amendment.
- 3) By designating our Southeast Regional Office address, we anticipate no reoccurrence of this violation.
- 4) Full compliance will be achieved upon approval of the pending amendment.

B.

- 1) Mr. Nabil Bejjani was designated as the Radiation Safety Officer on the license and had been temporarily reassigned to another office.
- 2) The corrective steps taken was to designate Mr. John Epperly to replace Mr. Bejjani as Radiation Safety Officer. Mr. Epperly is a permanent employee in our Southeast Regional Office, currently active in our construction management projects.
- 3) With Mr. Epperly's permanent position in our Southeast Regional Office and with no anticipated reassignments, we do not anticipate any additional problems.
- 4) Mr. Epperly has already assumed responsibility and action will be complete upon approval of the pending amendment to the license.



Louis Berger and Associates understands the seriousness of the situation and will make a dedicated commitment to ensure that no further problems or violations will occur. Should it be necessary, please do not hesitate to contact me at (804) 674-1864.

Sincerely,

A handwritten signature in cursive script that reads "John Epperly".

John E. Epperly
Design Manager
Southeast Region
Louis Berger and Associates, Inc.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W., SUITE 2900
ATLANTA, GEORGIA 30323-0199

MAY 05 1994

Docket No. 030-31411
License No. 45-25078-01

Louis Berger & Associates, Inc.
ATTN: Mr. Roy Attride, Jr.
Manager
P. O. Box 5410
Woodbridge, Virginia 22194

Gentlemen:

SUBJECT: NOTICE OF VIOLATION
(NRC INSPECTION REPORT NO. 45-25078-01/94-01)

This refers to the inspection conducted by Mr. Lee Franklin of this office on April 7, 1994. The inspection included a review of activities authorized for your Reston, Virginia facility. At the conclusion of the inspection, the findings were discussed with Mr. S. Moitra, Project Manager.

The inspection was an examination of activities conducted under your license with respect to radiation safety and compliance with NRC regulations and the conditions of your license. It included selective examinations of procedures and representative records, interviews with personnel, and direct observations by the inspector.

Based on the results of this inspection, certain of your activities appeared to be in violation of NRC requirements, as specified in the enclosed Notice of Violation (Notice). In addition, the inspector identified activities that violated NRC requirements that will not be subject to enforcement action because the licensee's efforts in identifying and/or correcting the violations meet the criteria specified in Section VII.B of the Enforcement Policy. The non-cited violation was a failure to post documents as required by 10 CFR 21.6. These items were discussed with you during the meeting at the conclusion of the inspection.

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. 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 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and any reply will be placed in the NRC Public Document Room.

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Louis Berger & Associates, Inc.

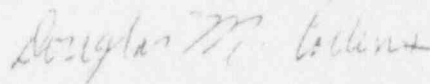
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The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Should you have any questions concerning this letter, please contact us.

Sincerely,



Douglas M. Collins, Chief
Nuclear Materials Safety and
Safeguards Branch
Division of Radiation Safety
and Safeguards

Enclosure:
Notice of Violation

cc w/encl:
Commonwealth of Virginia

ENCLOSURE

NOTICE OF VIOLATION

Louis Berger & Associates, Inc.
Reston, Virginia

Docket No. 030-31411
License No. 45-25078-01

During an NRC inspection conducted April 7, 1994, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the violations are listed below:

- A. 10 CFR 30.34(c) requires, in part, that each licensee confine his possession and use of byproduct material to the locations and purposes authorized by the license.

Condition 10 of license 45-25078-01 requires that licensed materials be used only at the construction site located at the intersection of Hunter Mill Road and Sunrise Valley Road, Reston, Virginia and at temporary job sites of the licensee.

Contrary to the above, on April 7, 1994, the licensee possessed a Model 3440 Troxler moisture/density gauge containing 40 millicuries of Americium 241 and 8 millicuries of cesium 137 at a location on Route 7, in Hamilton, Virginia, a location not authorized on the license.

This is a Severity Level IV violation (Supplement VI).

- B. Condition 11 of license 45-25078-01 specified a named individual to perform the Radiation Safety Officer duties for the activities authorized by this license.

Contrary to the above, since December 1991, the named individual has not performed the Radiation Safety Officer duties for the activities authorized by this license, in that the Radiation Safety Officer duties were being performed by another individual.

This is a Severity Level IV violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, Louis Berger & Associates, Inc. is hereby required to submit a written statement or explanation to the Regional Administrator, Region II, with a copy to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, 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. If an adequate reply is not received within the time specified in this Notice, an order or demand for information may be

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Notice of Violation

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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.

Dated at Atlanta, Georgia
This 5th day of May 1994