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HEIDELBERGCEMENT Group

2900 Terminal Avenue

Richmond, VA 23234

O 804-233-5471

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Date: February 10, 2009

Hanson Aggregates BMC, Inc.
7660 Imperial Way
Allentown, PA 18195

U.S. Nuclear Regulatory Commission,
ATTN: Document Control Desk
Washington, D.C. 20555

SUBJECT: REPLY TO A NOTICE OF VIOLATION; HANSON AGGREGATES PENNSYLVANIA, INC.;
DOCKET NO: 03006210; LICENSE NO. 37-09708-01

Dear Sirs/Madame's,

The purpose of this letter is to respond to A Notice of Violation: Hanson Aggregates Pennsylvania, Inc. During the inspection conducted on November 21, 2008 and December 8, 2008, six violations of NRC requirements were identified. Notice of Violations was received on January 15, 2009. Below the violations are listed with a response of correction following each violation.

- A. 10 CF 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 December 8, 2008, the licensee had not reviewed the radiation protection program annually. Specifically, the licensee was granted authorization to possess radioactive material at 700 Railroad Avenue, Newport, New Jersey facility on August 21, 2007, and since that time the licensee has not performed the required review of the Newport, New Jersey facility.

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

CORRECTIVE ACTION TO VIOLATION: A review of the program, procedures, audits and recordkeeping that relate directly to the violation stated above was conducted and was determined that Hanson management and the radiation safety officer have not been adequately involved in oversight and implementation of the licensed activities. A review of the radiation protection program was conducted. Hanson has contracted an outside technical source (IEM) for assistance in revising our corporate-wide radiation protection program to ensure consistent radiological and compliance operations throughout the company. Necessary recommendations will be implemented into the radiation protection program, along with any necessary retraining. Tasks and duties associated with the NRC License No. 37-00708-01 and the radiation protection program will then be entered into a Hanson electronic information management system (EnviroLIS). This system will then send email reminders to the responsible persons within an appropriate time frame of a specific task's due date. Once a task has been completed the responsible person will enter the completion information into the system. If a task is not completed by a due date, then further notices are sent to the responsible person's supervisors until the task is completed. This should be fully implemented on or by April 15, 2009.

- B. Condition 15 of NRC License No. 37-09708-01 requires that the licensee 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. Records of inventories shall be maintained for 5 years from the date of each inventory and shall include the radionuclide, quantities, manufacturer's name and model number, and the date of the inventory.

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Contrary to the above, as of December 8, 2008, the licensee did not conduct a physical inventory every six months to account for all sources and/or devices possessed under the license. Specifically, the licensee has possesses a T.N. Technologies Model 5176 gauge, and Model 5201 gauge at its Newport, New Jersey facility and has not conducted the required physical inventory since receipt of the gauges in August 2007.

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

CORRECTIVE ACTION TO VIOLATION: A review of the procedures and recordkeeping that relate directly to the violation stated above was conducted and was determined that Hanson management and the radiation safety officer have not been adequately involved in oversight and implementation of the licensed activities. Inventory procedures have been developed as well as an inventory form for T.N. Technologies gauges Model 5176 and Model 5201. The plant manager at the Newport, New Jersey facility has conducted and documented an inventory at the facility on December 15, 2009 and January 8, 2009. In order to ensure that a physical inventory is conducted in the appropriate time frame, tasks and duties associated with conducting a physical inventory at the Newport, New Jersey facility will then be entered into a Hanson electronic information management system (EnviroLIS). This system will then send email reminders to the responsible persons within an appropriate time frame of a physical inventory due date. Once the task has been completed, the responsible person will enter the completion information into the system. If the task is not completed by the due date, then further notices are sent to the responsible person's supervisors until the task is completed. The task and duties associated with a physical inventory will be entered into EnviroLIS before or on April 15, 2009.

- C. Condition 16 of NRC License No. 37-09708-01 requires that each gauge be tested for proper operation of the on-off mechanism (shutter) and indicator, if any, at intervals not to exceed 6 months or at such longer intervals as specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.210 or the equivalent regulations of an Agreement State.

Contrary to the above, as of December 8, 2008, the licensee did not test each gauge for the proper operation of the shutter. Specifically, the licensee had not tested the shutters on the T.N. Technologies Model 5176 or Model 5201 located at the licensee's Newport, New Jersey facility, from August 21, 2007 to December 8, 2008, an interval greater than six months.

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

CORRECTIVE ACTION TO VIOLATION: A review of the procedures and recordkeeping that relate directly to the violation stated above was conducted and determined that Hanson management and the radiation safety officer have not been adequately involved in oversight and implementation of the licensed activities. The radiation safety officer has tested each gauge for proper operation of the on-off mechanism (shutter) as well as training all required personnel at the Newport, New Jersey facility on LOTO procedures on January 8, 2009. In order to ensure that each gauge is tested for proper operation of the on-off mechanism (shutter) in the appropriate time frame, tasks and duties associated with testing each gauge for proper operation of the on-off mechanism (shutter) at the Newport, New Jersey facility will then be entered into a Hanson electronic information management system (EnviroLIS). This system will then send email reminders to the responsible persons within an appropriate time frame of testing due date. Once the task has been completed, the responsible person will enter the completion information into the system. If the task is not completed by the due date, then further notices are sent to the responsible person's supervisors until the task is completed. The task and duties associated with testing will be entered into EnviroLIS before or on April 15, 2009.

- D. Condition 19 of NRC License No. 37-09708-01 requires, in part, that prior to initial use the licensee shall assure that a radiological survey is performed to determine radiation levels in accessible areas around,



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above, and below the gauge with the shutter open. This survey shall be performed only by persons authorized to perform such services by the U.S. Nuclear Regulatory Commission or an Agreement State.

Contrary to the above, as of December 8, 2008, the licensee did not assure that radiological surveys had been performed of two gauges prior to initial use. Specifically, the licensee has been using two T.N. Technologies gauges (Model 5176 and Model 5201) since August 2007 and radiological surveys had not been performed to determine radiation levels in accessible areas at the Newport, New Jersey facility.

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

CORRECTIVE ACTION TO VIOLATION: A review of the procedures and recordkeeping that relate directly to the violation stated above was conducted and determined that Hanson management and the radiation safety officer have not been adequately involved in oversight and implementation of the licensed activities. Hanson has contracted an outside technical source (IEM) to perform radiological surveys on two T.N. Technologies gauges (Model 5176 and Model 5201) at the Newport, New Jersey facility. IEM is scheduled to perform the survey of T.N. Technologies gauges (Model 5176 and Model 5201) on Thursday February 19th 2009. Supervisors and responsible management are being retrained in procedures as to when surveys are required and who to notify to schedule surveys. The surveys and training should be completed before or on April 15, 2009.

- E. Condition 24 of NRC License No. 37-09708-01 requires, in part, that the licensee conduct its program in accordance with statements, representation, and procedures contained in letter dated October 23, 2003.
1. Item 10 of Appendix B to letter dated October 23, 2003, requires that the licensee perform a prospective evaluation demonstrating that unmonitored individuals are not likely to receive, in one year, a radiation dose in excess of 10% of the allowable limits in 10 CFR Part 20 or the licensee will provide dosimetry that meets the Criteria in section entitled "Radiation Safety Program – Occupational Dosimetry" NUREG-1556, Vol. 4, dated August 1998.

Contrary to the above, as of December 8, 2008, the licensee had not performed a prospective evaluation demonstrating that unmonitored individuals are not likely to receive, in one year a dose in excess of 10% of the allowable limits in Part 20 nor did the licensee provide dosimetry to individuals located at the Newport, New Jersey facility.

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

CORRECTIVE ACTION TO VIOLATION: A review of the procedures and recordkeeping that relate directly to the violation stated above was conducted and determined that Hanson management and the radiation safety officer have not been adequately involved in oversight and implementation of the licensed activities. Hanson has contracted an outside technical source (IEM) to perform radiological surveys on two T.N. Technologies gauges (Model 5176 and Model 5201) at the Newport, New Jersey facility, as part of the survey they will perform a prospective evaluation demonstrating that unmonitored individuals are not likely to receive, in one year, a radiation dose in excess of 10% of the allowable limits in 10 CFR Part 20. IEM is scheduled to perform the survey of T.N. Technologies gauges (Model 5176 and Model 5201) on Thursday February 19th 2009. The surveys and evaluation should be completed before or on April 15, 2009.

2. Item 10 of Appendix B to letter dated October 23, 2003, requires that the licensee develop, implement, maintain, and distribute Operating and Emergency procedures that will meet the Criteria in section entitled "Radiation Safety Program – Operating and Emergency Procedures," in NUREG 1556, Vol 4, dated August 1998.



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Contrary to the above, as of December 8, 2008, the licensee had not developed implemented, maintained or distributed Operation and Emergency Procedures to employees at the Newport, New Jersey facility.

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

CORRECTIVE ACTION TO VIOLATION: A review of the procedures and recordkeeping that relate directly to the violation stated above was conducted and determined that Hanson management and the radiation safety officer have not been adequately involved in oversight and implementation of the licensed activities. On January 8, 2009 the radiation safety officer conducted "Nuclear density gauge safety and Operating Procedures" at the Newport, New Jersey facility. Hanson has contracted an outside technical source (IEM) for assistance in revising our corporate-wide radiation protection program to ensure consistent radiological and compliance operations throughout the company. Necessary recommendations will be implemented into the radiation protection program, along with any necessary retraining. Tasks and duties associated with the NRC License No. 37-00708-01 and the radiation protection program will then be entered into a Hanson electronic information management system (EnviroLIS). This system will then send email reminders to the responsible persons within an appropriate time frame of a specific task's due date. Once a task has been completed the responsible person will enter the completion information into the system. If a task is not completed by a due date, then further notices are sent to the responsible person's supervisors until the task is completed. This should be fully implemented on or by April 15, 2009.

Please contact Patricia Walton at 804-230-8690 or Pat.Walton@Hanson.com if you have any questions regarding this matter.

Regards,

Patricia Walton
Environmental, Safety & Health Manager

cc: Regional Administrator, Region 1
Judith A. Joustra
John Zaczek
Terry Zeller
David Hill
Richard Hermany