



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

March 30, 2012

Docket No. 03038398

License No. 20-31425-01

Frank J. Belesimo
Vice President
Cashman Dredging International, LLC
P. O Box 69396
Quincy, MA 02169

SUBJECT: NRC INSPECTION REPORT NO. 03038398/2012001, CASHMAN DREDGING INTERNATIONAL, LLC, QUINCY, MASSACHUSETTS SITE AND NOTICE OF VIOLATION

Dear Mr. Belesimo:

On January 26, 2012- March 7, 2012, 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 your correspondence dated February 9, 2012 and March 2, 2012 was also examined as part of the inspection. The findings of the inspection were discussed with Mr. Stewart Chandler of your organization 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 two Severity Level IV violations of NRC requirements occurred. The violations involved: 1) the failure to conduct tests of your licensed density gauge for proper operation of the shutter mechanism and indicator at intervals not to exceed 6 months; and 2) the failure to post NRC Form 3, "Notice to Employees" as required by 10 CFR 19.11.

The violations are cited in the enclosed Notice of Violation (Notice), because the violations were identified by the NRC.

During our inspection exit meeting on March 7, 2012, you indicated that you have taken corrective and preventative actions to address each violation and that Cashman Dredging International, LLC is committed to radiation safety and to compliance with NRC regulations and licensed conditions. Further, you stated verbally and documented in your February 9, 2012, correspondence, that you have taken the following corrective and preventative actions:

- 1) A shutter test of the device was performed on January 26, 2012, and passed operational testing requirements; and
- 2) NRC Form 3, "Notice to Employees," was posted in an office area for observation by Cashman Dredging International employees.

In addition, during the inspection it was noted that the vessel containing the licensed gauge is docked at your Quincy, Massachusetts site. Since the NRC license authorizes use of the device only at temporary job sites, a discussion was held with Mr. Chandler regarding how to specifically license the device if the vessel continued to be docked at the Massachusetts location. He agreed to coordinate with the Commonwealth to determine whether a license was needed, and inform NRC of the results of the discussions. Please notify us when this determination has been made.

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 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).

Please contact Craig Gordon at 610-337-5216 if you have any questions regarding this matter.

Sincerely,

Original signed by Blake D. Welling

Blake Welling, Chief
Materials Security and Industrial Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
Stewart Chandler, Radiation Safety Officer
Commonwealth of Massachusetts

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Enclosure:
Notice of Violation

cc:
Stewart Chandler, Radiation Safety Officer
Commonwealth of Massachusetts

Distribution:

D. J. Holody, RI

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OFFICE	DNMS/RI	N	DNMS/RI				
NAME	CGordon/czg		BWelling/bdw				
DATE	3/30/12		3/30/12				

NOTICE OF VIOLATION

Cashman Dredging International, LLC
Quincy, MA

Docket No. 03038398
License No. 20-31425-01

During an NRC inspection conducted on January 26, 2012- March 7, 2012, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

A. Condition 16 A. of NRC License No. 20-31425-01 requires that each gauge shall be tested for the 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, the licensee did not conduct tests for proper operation of the on-off mechanism (shutter) and indicator at intervals not to exceed 6 months. Specifically, as of January 26, 2012, the licensee had not performed the shutter test since January 6, 2011, a period that exceeded 6 months.

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

B. 10 CFR 19.11(e)(1) requires that the licensee post NRC Form 3, "Notice to Employees," dated August 1997; or, within 30 days of receiving a revised version, later versions that supercede the August 1997 form.

Contrary to the above, on January 26, 2012, the licensee did not post NRC Form 3, "Notice to Employees."

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

Pursuant to the provisions of 10 CFR 2.201, Cashman Dredging International, LLC 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.

Notice of Violation
Cashman Dredging International, LLC

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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 30 day of March 2012