



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

August 5, 2016

James Danyow  
Owner  
Bear Dog Enterprises  
189 Birchard Park  
Middlebury, VT 05753

**SUBJECT: NRC INSPECTION REPORT NO. 03036929/2016001, BEAR DOG  
ENTERPRISES, MIDDLEBURY, VERMONT SITE AND NOTICE OF VIOLATION**

Dear Mr. Danyow:

On June 20 and 21, 2016, Steven Courtemanche of this office conducted a safety inspection at your facility at 1050 Route 7 South, Middlebury, Vermont, with continuing in-office review until August 4, 2016. 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 June 30, 2016, between Robert Bush of your organization and this office was also examined as part of the inspection. The findings of the inspection were discussed with you 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 one Severity Level IV violation of NRC requirements occurred. The violation involved the failure to periodically (at least annually) review the radiation protection program content and implementation. The violation is cited in the enclosed Notice of Violation (Notice), because the violation was identified by the NRC.

During our inspection exit meeting on August 4, 2016, you indicated that you were unaware of the requirement. You stated that you have taken corrective and preventative actions to address the violation and that Bear Dog Enterprises is committed to radiation safety and to compliance with NRC regulations and licensed conditions. Further, you stated verbally, that you have taken the following corrective and preventative actions:

Personnel are now aware of the requirement and a reminder system has been set up to notify responsible individuals when the audit is due.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response 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.

J. Danyow

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Current NRC regulations and guidance are included on the NRC's website at [www.nrc.gov](http://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](http://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).

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

Please contact Steven Courtemanche at 610-337-5075 if you have any questions regarding this matter.

Sincerely,

*/RA/*

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

Docket No. 03036929  
License No. 44-31043-01

Enclosure: Notice of Violation

cc: Robert N. Bush, Radiation Safety Officer  
State of Vermont

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Docket No. 03036929  
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Enclosure: Notice of Violation

cc: Robert N. Bush, Radiation Safety Officer  
State of Vermont

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B. Bickett, RI

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**SUNSI Review Complete:** SCourtemanche

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## **NOTICE OF VIOLATION**

Bear Dog Enterprises  
Middlebury, VT

Docket No. 03036929  
License No. 44-31043-01

During an NRC inspection conducted on June 20 and 21, 2016, with continuing in-office review through August 4, 2016, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

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

Contrary to the above, as of June 21, 2016, the licensee did not periodically (at least annually) review the radiation protection program content and implementation. Specifically, since the license was issued on September 20, 2010, the licensee had not reviewed the radiation safety program content and implementation.

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

Pursuant to the provisions of 10 CFR 2.201, Bear Dog Enterprises 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.

Notice of Violation  
Bear Dog Enterprises

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In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated This 5th day of August 2016