



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

September 20, 2016

Docket No. 03036970

License No. 44-31063-01

Scott Ireland
President
S.D. Ireland Concrete Construction
Corporation
P. O. Box 2286
South Burlington, VT 05407

**SUBJECT: NRC INSPECTION REPORT NO. 03036970/2016001, S.D. IRELAND
CONCRETE CONSTRUCTION CORPORATION, WILLISTON AND SOUTH
BURLINGTON, VERMONT SITES AND NOTICE OF VIOLATION**

Dear Mr. Ireland:

On June 20, 2016, with continuing in-office review through September 6, 2016, Steven Courtemanche of this office conducted a safety inspection at 193 Industrial Boulevard, Williston, Vermont and 100 Grove Street, South Burlington, Vermont. 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. The findings of the inspection were discussed with Nathan Parry of your organization at the conclusion of the inspection on September 6, 2016, by telephone.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that three Severity Level IV violations of NRC requirements occurred. The violations involved: 1) the failure to periodically (at least annually) review the radiation protection program content and implementation; 2) the failure to perform physical inventories of all sealed sources and/or devices under its license at six month intervals or at other intervals approved by the U.S. Nuclear Regulatory Commission; and, 3) the failure to provide HAZMAT training to a HAZMAT employee within 90 days of hire and assignment as a HAZMAT employee.

During the inspection exit meeting on September 6, 2016, Mr. Parry stated that he was not aware of the requirement to perform annual audits of the content and implementation of the radiation safety program. Further Mr. Parry indicated, and the NRC acknowledges, that the HAZMAT training citation was identified by the licensee. Mr. Parry stated that the licensee has taken corrective and preventative actions to address each violation and that S.D. Ireland Concrete Construction Corporation is committed to radiation safety and to compliance with NRC regulations and licensed conditions. Specifically, Mr. Parry stated that:

- 1) The RSO will follow the model audit program found in NUREG-1556, Volume 1, and institute an electronic reminder system so that the audits would be performed on an annual basis;
- 2) The RSO or designee will perform a "hands-on" examination of any portable gauges in the licensee's possession, document the inventory as required by Condition 14 of the

license, and institute an electronic reminder system to ensure completion of the requirement every six months; and

- 3) The RSO instituted a policy to review the training of all new hires to ensure that radiation safety training, training in the use of the gauge, and HAZMAT training were completed and up-to-date.

The first two violations are cited in the enclosed Notice of Violation (Notice), because the violations were identified by the NRC. You should follow the instructions in the enclosed Notice when submitting your response to these two violations.

The third violation is being dispositioned as a Non-Cited Violation (NCV). Consistent with Section 2.3.2 of the Enforcement Policy, the third violation is an NCV because you: (1) identified the violation; (2) implemented corrective actions to address the violation; and (3) because the violation was neither willful nor repetitive as a result of inadequate corrective actions. Therefore, you are not required to respond to this letter concerning the third violation unless the description herein does not accurately reflect your corrective actions or your position.

If you contest the violations or significance of the NCV, you should provide a response within 30 days of the date of this letter, with the basis for your denial, to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555-0001, with copies to: the Regional Administrator, Region I and the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, D.C. 20555-0001.

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

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).

S. Ireland

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

Sincerely,

/RA/

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

Enclosure:
Notice of Violation

cc w/Encl: Nathan B. Parry, Radiation Safety Officer
State of Vermont

S. Ireland

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

Sincerely,

/RA/

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

Enclosure:
Notice of Violation

cc w/Encl: Nathan B. Parry, Radiation Safety Officer
State of Vermont

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NAME	SCourtemanche/src		BWelling/bdw				
DATE	09/20/16		09/20/16				

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NOTICE OF VIOLATION

S.D. Ireland Concrete Construction Corporation
South Burlington, VT

Docket No. 03036970
License No. 44-31063-01

During an NRC inspection conducted on June 20, 2016, with continuing in-office review through September 6, 2016, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 20.1011(c) requires that each licensee shall 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, the licensee did not review the radiation protection program since the license was issued in 2010.

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

- B. License Condition 14 of NRC License Number 44-31063-01 requires, in part, that 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 June 20, 2016, the licensee did not conduct a physical inventory every six months and another interval was not approved by the U.S. Nuclear Regulatory Commission, to account for all sources and/or devices received and possessed under the license. Specifically, physical inventories were performed at the same time as leak tests, which were not performed every six months (June 2010, January 2011, August 2011, July 2013, June 2015, December 2015, and June 2016).

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

Pursuant to the provisions of 10 CFR 2.201, S.D. Ireland Concrete Construction Corporation 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

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S.D. Ireland Concrete Construction Corporation

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 20th day of September 2016