



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PA 19406-2713

August 9, 2017

Jacques B. Bouramia, President
and Radiation Safety Officer
Vermont Testing & Consulting Corporation
P. O. Box 420
Waterbury, Vermont 05676

SUBJECT: VERMONT TESTING & CONSULTING CORPORATION - NRC INSPECTION
NO. 03036475/2017001 AND NOTICE OF VIOLATION

Dear Mr. Bouramia:

This letter refers to the inspection conducted on June 28 and 30, 2017 at your Moretown, Vermont facility and the temporary job site location on Route 4 in Killington, Vermont. This letter also refers to the phone conversation on July 13, 2017 with Randy Dow of your staff concerning his recent training. This inspection examined activities conducted under your license as they relate to public health and safety, and to confirm compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on the results of this inspection, the NRC has determined that five Severity Level IV violations of NRC requirements occurred. These violations were evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/>. The violations are cited in the enclosed Notice of Violation (Notice) because the violations were identified by the NRC.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter 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 Web site 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 Web Site 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 Web Site 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).

If you have any questions regarding this matter, please contact John Miller of my staff at 610-337-5089 or via electronic mail at john.miller@nrc.gov.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph L. Nick". The signature is fluid and cursive, with a large initial "J" and "N".

Joseph L. Nick, Acting Director
Division of Nuclear Materials Safety
Region I

Docket No. 03036475
License No. 44-28180-02

Enclosure:
Notice of Violation

cc w/ enclosure
State of Vermont

NOTICE OF VIOLATION

Vermont Testing And Consulting Corporation
Waterbury, Vermont

Docket No. 03036475
License No. 44-28180-02

During an NRC inspection conducted on June 28, 30 and July 13, 2017, five violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 71.5 (a) requires, in part, that each licensee who transports licensed materials outside the site of usage or where transport is on public highways, shall comply with the applicable requirements of the U.S. Department of Transportation regulations in 49 CFR Parts 170 through 189.
1. 49 CFR 177.817(e) requires, in part, that the driver of a motor vehicle containing hazardous material ensure that the shipping paper is readily available to, and recognizable by, authorities in the event of accident or inspection. Specifically, (i) when the driver is at the vehicle's controls, the shipping paper shall be: (a) within his immediate reach while he is restrained by the lap belt; and (b) either readily visible to a person entering the driver's compartment or in a holder which is mounted to the inside of the door on the driver's side of the vehicle; (ii) when the driver is not at the vehicle's controls, the shipping paper shall be: (a) in a holder which is mounted to the side of the door on the driver's side of the vehicle; or (b) on the driver's seat in the vehicle.

Contrary to the above, on June 28, 2017, a Vermont Testing & Consulting Corporation driver of a motor vehicle containing hazardous material did not ensure that the shipping paper was readily available to, and recognizable by, authorities in the event of accident or inspection. When the driver was at the vehicle's controls, the shipping paper was not within his immediate reach while he was restrained by the lap belt and was not readily visible to a person entering the driver's compartment or in a holder which was mounted to the side of the door on the driver's side of the vehicle. Specifically, Vermont Testing and Consulting Corporation, transported a hazardous material, a portable nuclear gauge, and the associated shipping paper, was locked and sequestered, inside the portable gauge shipping container in the back of the vehicle, and not available in the driver's compartment.

This is a Severity Level IV violation (Section 6.8.d).

2. 49 CFR 177.842(d) requires, packages must be so blocked and braced that they cannot change position during conditions normally incident to transportation.

Contrary to the above, on June 28, 2017, a package containing a portable nuclear gauge, was not blocked and braced, so that the package could not change position during conditions normally incident to transportation. Specifically, Vermont Testing and Consulting Corporation, transported a portable nuclear gauge and the gauge was chained to the bed of the truck but it was free to slide and move on the truck bed, because the chains were loose and not taut.

This is a Severity Level IV violation (Section 6.8.d).

3. 49 CFR 172.702(a) requires that a hazmat employee shall ensure that each of its hazmat employees is trained in accordance with the requirements prescribed in this subpart.

49 CFR 172.704(c)(2) states that a HAZMAT employee shall receive training required by this subpart at least once every three years.

Contrary to the above, the licensee did not ensure that authorized users (HAZMAT employees), who performed functions subject to the requirements of 49 CFR Parts 171 - 177 were trained as required. Specifically, an authorized user transported hazardous material on June 19, 21, 26 and 28, 2017 and had not received HAZMAT training since March 31, 2014.

This is a Severity Level IV violation (Section 6.8.d).

- B. Condition 16 of NRC License No. 44-28180-02, requires that each portable nuclear gauge shall have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position. The gauge or its container must be locked when in transport or storage, or when not under the direct surveillance of an authorized user.

Contrary to the above, each portable nuclear gauge did not have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from the shielded position and the gauge or its container was not locked when in storage and not under the direct surveillance of an authorized user. Specifically, on June 28, 2017, three portable nuclear gauges that were in storage and not under surveillance of an authorized user were not locked or stored in a locked container to prevent unauthorized or accidental removal of the sealed source from its shielded position.

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

- C. Condition 14 of NRC License No. 44-28180-02, requires the licensee to 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, Vermont Testing and Consulting Corporation did not conduct a physical inventory every six months to account for all sources and/or devices received and possessed under the license. Specifically, physical inventories were performed on January 2, 2015, January 2, 2016, and January 2, 2017, which are intervals that exceeded the six month requirement.

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

Pursuant to the provisions of 10 CFR 2.201, Vermont Testing & Consulting 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.

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 9th day of August 2017