



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

April 11, 2016

Docket No. 03013022

License No. 44-00728-13

Thomas J. Gustafson
VP for University Relations
and Administration
The University of Vermont and
State Agriculture College
Radiation Safety Office
004 Rowell Building
106 Carrigan Drive
Burlington, VT 05405

SUBJECT: NRC INSPECTION REPORT NO. 03013022/2016001, THE UNIVERSITY OF VERMONT AND STATE AGRICULTURE COLLEGE, BURLINGTON, VERMONT SITE AND THE COLCHESTER, VERMONT SITE, AND NOTICE OF VIOLATION

Dear Mr. Gustafson:

On March 2, 2016, Dennis Lawyer of this office conducted a safety inspection at the above address and the Colchester, Vermont site 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 March 8, 25, and 29 and the telephone conversation on March 29, 2016, between Thomas Kellogg of your organization and this office were also examined as part of the inspection. The findings of the inspection were discussed with Thomas Kellogg 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 using a driver that was not properly trained to transport hazardous material.

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 March 29, 2016, Mr. Kellogg indicated that as a corrective action, your office has changed its process and is now using a group on campus that is trained to transport hazardous material. Mr. Kellogg also stated that your office will be using this group to transport the radioactive material to your other campuses as needed.

The NRC has concluded that information regarding the reason for the violation and the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed in our records. Therefore, you are not required to respond to this letter

unless the description of your corrective actions in this letter does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, 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 Dennis Lawyer at 610-337-5366 if you have any questions regarding this matter.

Sincerely,

/RA/

Monica L. Ford, Acting Chief
Commercial, Industrial, R&D
and Academic Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc w/encl: Thomas Kellogg, Radiation Safety Officer
State of Vermont

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and Academic Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc w/encl: Thomas Kellogg, Radiation Safety Officer
State of Vermont

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NAME	DLawyer/dl		MFord/mf					
DATE	4/11/16		4/11/16					

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NOTICE OF VIOLATION

The University of Vermont and
State Agriculture College
Burlington, VT

Docket No. 03013022
License No. 44-00728-13

During an NRC inspection conducted on March 2, 2016, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR Part 71.5(a) requires, in part, that each licensee who transports licensed material outside the site of usage, as specified in the NRC license, shall comply with the applicable requirements of the Department of Transportation regulations in 49 CFR Parts 171 through 180, appropriate to the mode of transport.

49 CFR 172.702 requires, in part, that each hazmat employer shall ensure that each hazmat employee is trained and tested, and that no hazmat employee performs any function subject to the requirements of 49 CFR 171-177 unless trained in accordance with Subpart H of 49 CFR 172. The terms Hazmat Employer and Hazmat Employee are defined in 49 CFR 171.8.

Contrary to the above, between September 6, 2013, and August 14, 2015, the licensee allowed a hazmat employee to perform functions subject to the requirements of 49 CFR 171-177, and the employee was not trained as required. Specifically, on multiple occasions between September 6, 2013, and August 14, 2015, a hazmat employee of the licensee transported licensed material outside the site of usage and the employee had not received training in accordance with Subpart H of 49 CFR 172.

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

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance will be achieved is already adequately addressed on the docket. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it 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).

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.

Notice of Violation
The University of Vermont and
State Agriculture College

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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 11th day of April 2016