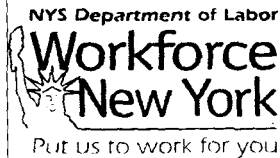


George E. Pataki, Governor



Linda Angello, Commissioner

November 4, 2005

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L. Robert Kimball & Associates, Inc.
PO Box 1000
615 West Highland Avenue
Ebensburg, PA 15931

RECEIVED
REGION 1

Attention: Mr. Gene Pietrowski, RSO

RE: New York State Registration No. T-13935: Field Inspection on October 24, 2005.

Dear Mr. Pietrowski:

This letter refers to the inspection of activities conducted under your registration as they relate to radiation safety and to compliance with the requirements of 12 NYCRR Part 38, "Ionizing Radiation Protection" and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and measurements and observations by this writer.

During this inspection, it was found that certain of your activities appeared to be in violation of the requirements of Part 38 and others appeared to raise questions about safety of operations. The items and references to the pertinent requirements and to generally accepted guidance are listed in the enclosure to this letter. You are requested to submit to this office within 30 days of your receipt of this notice, a written statement of explanation in reply, including: (1) steps which have been taken to correct the violation and to implement the recommendations and the results achieved; (2) steps which will be taken to prevent recurrence; and (3) the date when all corrective actions or preventative measures were or will be completed.

Compliance with all Part 38 requirements is mandatory to avoid further action. A follow-up inspection may be conducted to determine compliance. Please note that you are required by Section 38.27(b) to POST copies of this notice and its attachments.

If you have any questions, please write or call me at 212 352- 6108.

Sincerely,

B. Kothari
Brajesh Kothari, Ph.D.
Associate Radiophysicist

Enclosures: Attachment A & B

Cc: Clayton Bradt, NYSDOL; Dr. Sattar Lodhi, USNRC

The following items of non-compliance were noted during the inspection: Sections of Code Rule 38 are referred to as 12 NYCRR 38-----:

1. 12 NYCRR 38.15 (a) states, in part, "The holders of a license issued by USNRC may bring, possess or use radioactive material covered by such license provided that such licensee complies with all terms and conditions of his license." Condition 17 of your USNRC license no 37-17717-02 requires, in part, that each portable nuclear gauge shall have a lock or outer lock container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position.

Contrary to this requirement, the model 1351 Troxler Gauges (Serial Nos. 220 and 233) were not equipped with locks to prevent accidental removal of the sealed sources from their shielded position. During the field survey, one of the gauges was found to have its source not in the shielded position. Such gauges may not be used in New York State.

Attachment "B"

**Re: Inspection on October 24, 2005
Registration No. T-13935**

Page 3

The following recommendations are made to improve your radiation safety program:

- 1. Send us copies of annual refresher training certificates for Patrick Kunko and Gene Pietrowski.**