



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

July 19, 2006

Docket No. 03032957

License No. 37-28796-01

Michael J. Pasonick, Jr.  
President  
Pasonick Testing  
165 Wilkes-Barre Blvd.  
Wilkes-Barre, PA 18702

SUBJECT: INSPECTION 03032957/2006001, PASONICK TESTING, WILKES-BARRE,  
PENNSYLVANIA SITE AND NOTICE OF VIOLATION

Dear Mr. Pasonick:

On May 24, 2006 through June 19, 2006, Michael Reichard of this office conducted a safety inspection at the above address 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 selected examination of representative records. The findings of the inspection were discussed with Michael L. Amato of your organization via telephone on June 19, 2006, at the conclusion of the inspection.

Based on the results of this inspection, it appears that your activities were not conducted in full compliance with NRC requirements. A Notice of Violation is enclosed that categorizes each violation by severity level. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

Current NRC regulations are included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material**; then **Toolkit Index Page**. The current Enforcement Policy is included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **What We Do, Enforcement**, then **Enforcement Policy**. Or you may obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 8:00 p.m. EST, Monday through Friday (except Federal holidays).

M. Pasonick  
Pasonick Testing

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Your cooperation with us is appreciated.

Sincerely,

***Original signed by John D. Kinneman***

John D. Kinneman, Chief  
Security and Industrial Branch  
Division of Nuclear Materials Safety

Enclosure:  
Notice of Violation

cc:  
Michael L. Amato, Radiation Safety Officer  
Commonwealth of Pennsylvania

M. Pasonick  
Pasonick Testing

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## **NOTICE OF VIOLATION**

Pasonick Testing  
Wilkes-Barre, PA

Docket No. 03032957  
License No. 37-28796-01

During an NRC inspection conducted on May 24, 2006 through June 19, 2006, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Condition 11.A. of NRC License No. 37-28796-01 requires that licensed material be used by, or under the supervision and in the physical presence of individuals who have received the training described in a letter dated January 27, 2003.

The letter dated January 27, 2003 states, in part, that authorized users will be required to successfully complete one of the training courses described in Criteria in the section entitled, "Training for Individuals Working In or Frequenting Restricted Areas," in NUREG-1556, Vol. 1, Rev. 1.

Contrary to the above, as of May 24, 2006, an authorized user had not successfully completed one of the training courses described in Criteria in the section entitled, "Training for Individuals Working In or Frequenting Restricted Areas," in NUREG-1556, Vol. 1, Rev. 1. Specifically, while the authorized user was provided on-the-job training, that did not include all of the elements described in NUREG 1556 Vol. 1, Rev. 1.

This is a Severity Level IV violation (Supplement VI).

- B. 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, the licensee did not periodically (at least annually) review the radiation protection program content and implementation.

This is a Severity Level IV violation (Supplement IV).

Pursuant to the provisions of 10 CFR 2.201, Pasonick Testing 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.

Dated This 19<sup>th</sup> day of July 2006