

DEC 17 1996

Docket No. 030-29345

License No. 31-27860-01

Ronald E. Vaughn, President
Soil and Material Testing, Inc.
57 South Main Street
Castleton, New York 12033

SUBJECT: INSPECTION NO. 030-29345/96-001

Dear Mr. Vaughn:

On December 10, 1996, Kathleen Dolce 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 selective examination of representative records. The findings of the inspection were discussed with you and Lizette Strait, at the conclusion of the inspection.

The NRC inspector identified elevated exposure readings from dosimetry reports from 1994 through 1996 in which your staff indicated that the root cause(s) could not be determined. The NRC is concerned with annual exposures to portable gauge users of 447 mrem, 386 mrem, and 569 mrem for 1994, 1995 and 1996 respectively. We ask that you obtain the assistance of a health physics consultant to review this matter in order to comply with 10 CFR 20.1101(b) (the As Low As Reasonably Achievable principal). In your response to this letter, please describe your actions taken or planned to thoroughly review this matter and provide the NRC with evidence that your workers are not being unnecessarily exposed.

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 and categorizes the violation by severity level in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG 1600. 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.

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R. E. Vaughn
Soil and Material Testing, Inc.

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Please use the enclosed self-addressed green envelope when you respond to this letter to assist us in the timely processing of your response. In accordance with Section 2.790 of NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and your reply will be placed in the Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that your desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public. The responses directed by this letter and the accompanying Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

Your cooperation with us is appreciated.

Sincerely,

ORIGINAL SIGNED BY:

Jenny Johansen, Chief
Nuclear Materials Safety Branch 3
Division of Nuclear Materials Safety

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Enclosure:
Notice of Violation

cc w/enclosure:
Lizette L. Strait, Radiation Safety Officer
State of New York

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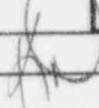
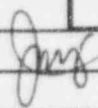
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D. J. Holody, RI

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