

February 29, 1997

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Docket No. 020-30599  
CAL No. 1-97-001

License No. 29-28215-01

Mr. Michael Amaroso  
Director of Public Works  
Somerset County  
Department of Engineering  
P. O. Box 3000  
Sommerville, NJ 08876-3000

SUBJECT: CONFIRMATORY ACTION LETTER

Dear Mr. Amaroso:

On January 14, 1997, Mr. Charles Amato, of this office, conducted a safety inspection at Somerset County Department of Engineering facility in Sommerville, New Jersey, of activities authorized by the above listed NRC license. The inspector found a number of violations which included: 1) failure to amend your NRC license when the former Radiation Safety Officer listed in Condition 12 of your license, left his position over eighteen months ago; 2) failure to perform leak tests of each gauge required by License Condition 13.A; 3) failure to perform the annual audit required by 10 CFR 20.1101(c), and develop and retain a record for this audit (10 CFR 20.2102); 4) failure to perform annual refresher training for all authorized users per Condition 20 of your license; and 5) failure to have shipping papers for the gauges during transport in accordance with NRC and Department of Transportation (DOT) requirements.

Pursuant to a telephone conversation between Mr. David Loimer, Assistant County Engineer and Ms. Jenny M. Johansen, of this office on January 27, 1997, it is our understanding that you will take the following actions:

1. By close of business on January 27, 1997, the three Troxler portable gauges authorized by your license will be removed from use and placed in secured storage until a Radiation Safety Officer is approved in writing by the NRC through an amendment of License No. 29-28215-01; and, you have performed annual refresher training for all authorized users, as required by Condition 20 of your license, to include NRC and DOT regulations regarding use of shipping papers and their location when transporting a gauge per 10 CFR 71.5, 49 CFR 172.101 and 49 CFR 177.817(e).
2. By February 27, 1997, you will submit an amendment request with the name of an individual qualified, by training and experience, to perform the duties of the radiation safety officer for your licensed program.

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3. By February 27, 1997, you will have completed:
  - a. the leak testing of each gauge in your possession as required by Condition 13 of your NRC license.
  - b. the annual audit required by 10 CFR 20.1101(c) and developed and retained a record for this audit per 10 CFR 20.2102.

Pursuant to Section 182 of the Atomic Energy Act, 42 U.S.C. 2232, you are required to:

- 1) Notify me immediately if your understanding differs from that set forth above;
- 2) Notify me if for any reason you cannot complete the actions within the specified schedule and advise me in writing of your modified schedule in advance of the change; and
- 3) Notify me in writing when you have completed the actions addressed in this Confirmatory Action Letter.

Issuance of this Confirmatory Action Letter does not preclude issuance of an order formalizing the above commitments or requiring other actions on the part of the licensee; nor does it preclude the NRC from taking enforcement action for violations of NRC requirements that may have prompted the issuance of this letter.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and your response will be placed in the NRC 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. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information).

Sincerely,

Original Signed By:  
Charles W. Hehl

Charles W. Hehl, Director  
Division of Nuclear Materials Safety

Mr. Michael Amaroso

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cc:

State of New Jersey

Mr. David Loimer  
Somerset County  
Assistant County Engineer  
Engineering Department  
P. O. Box 3000  
Sommerville, NJ 08876-3000

Mr. Gary Cortelyou  
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Mr. Michael Amaroso

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