

February 7, 1997

Docket No. 030-30599
EA 1-97-043

License No. 29-28215-01

Mr. Michael Amorosa
Director of Public Works
Somerset County
Department of Engineering
P. O. Box 3000
Somerville, NJ 08876-1262

SUBJECT: NRC INSPECTION REPORT NO. 030-30599/97-001

Dear Mr. Amorosa:

This refers to the inspection conducted on January 14, 1997, at your Somerville, New Jersey facility. The purpose of the inspection was to determine whether activities authorized by your license were conducted safely and in compliance with NRC requirements. Areas examined during the inspection are identified in the report. Within these areas, the inspection consisted of selective examination of procedures and representative records, interviews with personnel, and independent measurements by the inspector. At the conclusion of the inspection, the findings were discussed with the individual identified in the enclosed report.

Based on the results of this inspection, four apparent violations were identified and are being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. The apparent violations of particular concern to the Commission include the failure to appoint a radiation safety officer for 18 months and subsequently, the apparent weaknesses in your radiation safety program including 1) the failure to leak test your sealed sources; 2) the failure to perform an annual review of your radiation protection program; 3) and the failure to use shipping papers while the gauges were in transit.

The circumstances surrounding these apparent violations, the significance of the issues, and the need for lasting and effective corrective action were discussed with a member of your staff at the inspection exit meeting on January 14, 1997, and during a telephone conversation with Jenny Johansen of this office, and David Lorimer of your office, on January 27, 1997. A Confirmatory Action Letter (CAL) dated January 29, 1997 describes the actions you plan to take or have taken to correct the apparent violations.

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M. Amorosa
Somerset County

2

Before the NRC takes any enforcement action, we are providing you an opportunity to either (1) respond to the apparent violations addressed in this inspection report within 30 days of the date of this letter or (2) request a predecisional enforcement conference. Please contact Jenny Johansen, at 610-337-5304, within 7 days of the date of this letter, to notify the NRC of your intended response.

Your response should be clearly marked as a "Response to Apparent Violations in Inspection Report No. 030-30599/97-001" and should include for each apparent violation: (1) the reason for the apparent violation, or, if contested, the basis for disputing the apparent 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. In presenting your corrective action, you should be aware that the promptness and comprehensiveness of your actions will be considered in assessing any civil penalty for the apparent violations. The guidance in the enclosed excerpt from NRC Information Notice 96-28, "SUGGESTED GUIDANCE RELATING TO DEVELOPMENT AND IMPLEMENTATION OF CORRECTIVE ACTION," may be helpful. Your response should be submitted under oath or affirmation and may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a predecisional enforcement conference.

In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response (if you choose to provide one) 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.

Sincerely,
Original Signed By: 

Charles W. Hehl, Director
Division of Nuclear Materials Safety

Docket No. 030-30599
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Enclosures:

1. Inspection Report No. 030-30599/97-001
2. Excerpt from NRC Information Notice 96-28

M. Amorosa
Somerset County

3

cc w/encls:
David Lorimer
Somerset County
Assistant County Engineer
Engineering Department
PO Box 3000
Somerville, NJ 08876-1262

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4

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