



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

April 11, 1997

EA 97-043

Mr. Michael Amorosa
Director of Public Works
Somerset County
Department of Engineering
Post Office Box 3000
Somerville, New Jersey 08876-1262

SUBJECT: NOTICE OF VIOLATION AND CLOSURE OF CONFIRMATORY ACTION LETTER
1-97-001
(NRC Inspection Report No. 030-30599/97-001)

Dear Mr. Amorosa:

This refers to the NRC inspection conducted on January 14, 1997, at your facility in Somerville, New Jersey. The inspection was conducted to determine whether activities authorized by the license were conducted safely and in accordance with NRC requirements. During the inspection, four apparent violations of NRC requirements were identified, as described in the NRC inspection report transmitted with our letter, dated February 17, 1997. On January 29, 1997, the NRC issued a Confirmatory Action Letter which confirmed your commitment to take certain corrective actions in response to the violations. In addition, in the February 7, 1997 NRC letter, the NRC provided you an opportunity to either respond in writing to the apparent violations addressed in the inspection report or request a predecisional enforcement conference. You responded to the apparent violations, in letters to the NRC, dated March 5, 1997, and March 19, 1997.

Based on the information developed during the inspection and the information you provided in your two response letters, the NRC has determined that violations of NRC requirements occurred. The violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in detail in the subject inspection report. The violations involve (1) not having a Radiation Safety Officer (RSO) for an extended period since the individual named on the license as the RSO left the facility during the summer of 1995 (during that time, you did not seek a license amendment naming a new RSO); (2) failure to conduct leak testing every six months to account for all sealed sources and devices containing licensed material; (3) failure to conduct an annual review of the radiation safety program; and (4) failure to carry shipping papers in vehicles that transport gauges.

These violations indicate a lack of attention to licensed activities. Management attention to the radiation safety program is warranted to ensure that licensed activities are conducted safely and in accordance with requirements. While the violations in question did not have an impact on the health and safety of the public, or your staff, such violations are potential precursors to more serious problems, and therefore, it is important that you have a RSO who looks for, identifies, and corrects such problems. At your facility, this did not occur. Therefore, these violations have been classified in the aggregate as a Severity level III problem in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, at Severity Level III.

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In accordance with the Enforcement Policy, a base civil penalty in the amount of \$2,750 is considered for a Severity Level III violation. Because your facility has not been the subject of an escalated enforcement action within the last two years, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section VI.B.2 of the Enforcement Policy. Credit for corrective actions is warranted because your corrective actions were both prompt and comprehensive. These actions, which were described in your March 5 and March 19, 1997 letters to the NRC, included, but were not limited to: (1) submittal of a license amendment request naming a new individual as the RSO; (2) establishing a program that identifies certain program requirements; (3) performance of the required leak tests; and (4) conduct an audit of the radiation safety program by the RSO on February 5, 1997.

Therefore, to encourage prompt and comprehensive correction of violations, I have been authorized not to propose a civil penalty in this case. However, similar violations in the future could result in further escalated enforcement action.

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance will be achieved, are already adequately addressed on the docket in your March 5 and March 19, 1997 letters to the NRC. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice. The NRC has also determined, based on your letters, that the commitments documented in the NRC CAL have been met and that no further action is warranted in response to the CAL.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and any response, if you choose to provide one, and your March 5, 1997 and your March 19, 1997 letters, will be placed in the NRC Public Document Room (PDR).

Sincerely,


Hubert J. Miller
Regional Administrator 

Docket No.: 030-30599
License No.: 29-28215-01

Somerset County Department of
Engineering

3

Enclosure: Notice of Violation

cc w/encl:
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