

## NOTICE OF VIOLATION

Certainteed Corp.  
Milan, Ohio 44846

License No. 34-26073-01  
Docket No. 030-31355

During an NRC inspection on September 13, 1996 with continuing NRC review through October 1, 1996, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," NUREG-1600 (60 FR 34381, dated June 30, 1995), the violations are listed below:

1. Condition No. 18 of License No. 34-26073-01 requires, in part, that the licensee shall assure that the shutter mechanism is locked in the closed position during periods when a portion of an individual's body may be subject to the direct radiation beam.

Contrary to the above, on September 13, 1996, individuals performed maintenance on vessels where gauges containing between 10 mCi (370 MBq) and 200 mCi (7.4 GBq) of cesium-137 are located. The shutter mechanisms of these devices were not locked in the closed position as required.

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

2. Condition No. 19 of License No. 34-26073-01 requires that the licensee conduct its program in accordance with the statements, representations, and procedures contained in an application dated October 6, 1989.

Item 10 of the referenced application states, in part, that all personnel will be instructed as to the size and location of the beam, the radiation levels in the beam and will be cautioned that unless the shutter is closed, these radiation levels are significant. All personnel are instructed to close and lock out the gauge shutter when the operating process has stopped or if work must be done in any vessel.

Contrary to the above, as of September 13, 1996, all personnel had not received the required safety instruction since at least 1991.

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

Pursuant to the provisions of 10 CFR 2.201, Certainteed Corp 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 III, 801 Warrenville, Rd, Lisle, Illinois 60532-4351 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.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it 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 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.

Dated at Lisle, Illinois  
this 22nd day of October 1996