

## NOTICE OF VIOLATION

Conti Construction Co., Inc.  
Scuth Plainfield, NJ 07080

Docket No. 030-30642  
License No. 29-28227-01

During an NRC inspection conducted on January 16, 1997, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG 1600, the violation is listed below:

- A. License Condition 13.A of NRC License No. 29-28227-01 requires that sealed sources be tested for leakage and/or contamination at intervals not to exceed six months.

Contrary to the above, two Model 3440 Troxler density/moisture gauges were not tested for leakage at intervals not to exceed six months. Specifically, one gauge (Serial No. 22157) was tested for leakage on November 8, 1995 and January 9, 1997. Another gauge (Serial No. 23566) was leak tested on October 30, 1995 and on January 9, 1997. Both devices were leak tested at time intervals exceeding six months.

- B. License Condition 17 of NRC License No. 29-28227.01 requires that the licensee conduct its program in accordance with statements, representations, and procedures contained in an application dated July 23, 1993.

Item No. 9 of the Application (Facilities and Equipment) indicates that the nuclear gauges will be stored in a second floor storage area.

Contrary to the above, since 1995 nuclear gauges have not been stored in the second floor storage area. Specifically, the gauges are stored in an instrument container located on the first floor, an unauthorized storage location.

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

Pursuant to the provisions of 10 CFR 2.201, Conti Construction Co., Inc. 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 I, 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,

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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.