

ENCLOSURE

NOTICE OF VIOLATION

Somerset County Engineering Department  
Somerville, New Jersey

Docket No. 030-30599  
License No. 29-28215-01  
EA 97-043

During an NRC inspection conducted on January 14, 1997, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) NUREG-1600, the violations are listed below:

- A. Condition 12 of License No. 29-28215-01 names Mr. John Liznaski as the Radiation Safety Officer (RSO).

Contrary to the above, between the summer of 1995 and January 1997, the licensee did not have an RSO in that Mr. Liznaski left employment with the licensee during the summer of 1995, and the licensee did not submit a license amendment request naming a successor RSO until January 28, 1997. (01013)

- B. License Condition 13.A requires that sealed sources containing licensed material be tested for leakage and/or contamination at intervals not to exceed six months.

Contrary to the above, between January 1995 and January 1997, the licensee did not perform leak tests of its sealed sources (containing cesium-137 and americium-241), an interval greater than six months. (01023)

- C. 10 CFR 20.1101(c) requires that the licensee review the content and implementation of its radiation protection program on an annual basis.

Contrary to the above, as of January 1997, the licensee did not perform the required annual review of the radiation safety program since January 1994. (01033)

- D. 10 CFR Part 71.5 requires that an NRC licensee who transports licensed material outside the site of usage as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, shall comply with the applicable regulations of the US Department of Transportation (DOT) in 49 CFR Part 170-189. 49 CFR 177.817(a) requires that properly prepared shipping papers accompany shipment of hazardous materials.

Contrary to the above, prior to January 14, 1997, the licensee transported portable moisture density gauges (containing cesium-137 and americium-241 sealed sources) on public roads, and the licensee did not have any shipping papers accompany the transport of licensed materials outside the confines of the licensee's facility. (01043)

These violations are classified in the aggregate as a Severity Level III problem. (Supplements IV, V and VI).

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 the licensee's March 5, 1997 and March 19, 1997 letters in response to Inspection Report No. 30-30599/97-01. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it 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).

Dated at King of Prussia, Pennsylvania  
this 11<sup>th</sup> day of April 1997