

ENCLOSURE

NOTICE OF VIOLATION

Compton Construction Company
Princeton, West Virginia

Docket No. 030-28920
License No. 47-24807-01

During an NRC inspection conducted May 19, 1994, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the violations are listed below:

- A. 10 CFR 71.5(a) requires that a licensee who transports licensed material outside of the confines of its plant or other place of use, or who delivers licensed material to a carrier for transport, comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 170 through 189.

49 CFR 172.200(a) requires, with exceptions not applicable here, that each person who offers a hazardous material for transportation describe the hazardous material on the shipping paper in the manner required by subpart C of 49 CFR Part 172. Pursuant to 49 CFR 172.101, radioactive material is classified as hazardous material.

Contrary to the above, prior to May 19, 1994, the licensee routinely transported licensed material (approximately 8 millicuries (mCi) of Cs-137 and 40 mCi of Am-241), contained in a portable nuclear gauge, and did not include with the shipment a shipping paper describing the material.

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

- B. Condition 12 of License No. 47-24807-01 requires, in part that licensed material shall be used by, or under the supervision and in the physical presence of employees who have completed the Troxler training course.

Contrary to the above, on May 10, 13, and 19, 1994, a licensee employee used licensed material (approximately 8 mCi of Cs-137 and 40 mCi of Am-241), contained in a portable nuclear gauge, and had received radiation safety training other than that required by the license.

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

- C. Condition 13 of License No. 47-24807-01 requires, in part, that sealed sources containing licensed material be tested for leakage and/or contamination at intervals not to exceed six months.

Contrary to the above, the licensee failed to test sealed sources containing licensed material for leakage and/or contamination at intervals greater than six months. Specifically, the licensee failed to test the sealed sources contained in a portable nuclear gauge

(Troxler Model 3411 B, Serial No. 17754) for leakage and/or contamination between October 25, 1993 and May 19, 1994, and used the gauge on May 10, 13, and 19, 1994.

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

Pursuant to the provisions of 10 CFR 2.201, Compton Construction Company is hereby required to submit a written statement or explanation to the Regional Administrator, Region II, with a copy to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, 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. If an adequate reply is not received within the time specified in this Notice, an order or 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.

Dated at Atlanta, Georgia
This 9th day of June, 1994