

NOTICE OF VIOLATION

Consolidated NDE, Incorporated  
Woodbridge, New Jersey

Docket No. 030-20787  
License No. 29-21452-01  
EA 91-058

During an NRC inspection conducted on April 25, 1990, as well as a subsequent investigation by the NRC Office of Investigations (OI), 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 (1990), the particular violations are set forth below:

- A. 10 CFR 30.9(a) requires, in part, that information provided to the Commission by the licensee, or information required by the Commission's regulations to be maintained by the licensee, shall be complete and accurate in all material respects.

Contrary to the above, information provided to the Commission by the licensee, and information required by the Commission's regulations to be maintained by the licensee, were not complete and accurate in all material respects, as evidenced by the following examples:

1. A licensee employee provided inaccurate information to NRC personnel when interviewed (1) by two NRC inspectors on April 25, 1990; (2) by NRC management on April 27, 1990; and (3) by an NRC Investigator on August 29, 1990, by stating that he had adequately surveyed the guide tube and the exposure device and locked the device after each of the exposures conducted during licensed radiography on April 25, 1990, at a job site in East Vineland, New Jersey. The information was inaccurate in that two NRC inspectors observed that the employee did not adequately survey and did not lock the exposure device. Regarding surveys, the two NRC inspectors observed that the employee failed to survey the radiographic exposure device, as well as the associated guide tube, on at least one occasion, and failed to perform adequate surveys on several other occasions in that those surveys did not include the entire circumference of the exposure device nor the full length of the guide tube, as required by 10 CFR 34.43(b). Regarding the locking of the device, the inspectors observed that the employee failed to lock the exposure device after each radiographic exposure on at least three occasions, as required by 10 CFR 34.22(a).

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2. Information maintained by a licensee employee was not complete and accurate in all material respects when on April 25, 1990, the employee checked and signed the entry on the Utilization Log which states that a survey of the exposure device was made to ensure that the source had returned safely to the device after each exposure and prior to returning the device to the storage area. During licensed radiography on April 25, 1990 at a job site in East Vineland, New Jersey, two NRC inspectors observed that an adequate survey of the exposure device was not made for the first eleven exposures, and no survey of the device was made on the last exposure.

These violations are classified in the aggregate as a Severity Level III problem (Supplement VII).

Pursuant to the provisions of 10 CFR 2.201, Consolidated NDE, Incorporated is required to submit a written statement or explanation to the Regional Administrator, Region I, 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, the Commission may issue an Order or Demand for Information 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. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Dated at Rockville, Maryland  
this 11<sup>th</sup> day of October 1991