



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

June 22, 2005

Docket No. 03011491

License No. 06-16699-01

Holton E. Harris
President & RSO
Harrel, Inc.
16 Fitch Street
East Norwalk, CT 06855

**SUBJECT: INSPECTION 03011491/2005001, HARREL, INC., EAST NORWALK,
CONNECTICUT SITE AND NOTICE OF VIOLATION**

Dear Mr. Harris:

On June 8, 2005, John Nicholson of this office conducted a safety inspection at the above address of activities authorized by the above listed NRC license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selected examination of representative records. The findings of the inspection were discussed with you and Mr. David Madar at the conclusion of the inspection.

Based on the results of this inspection, it appears that your activities were not conducted in full compliance with NRC requirements. A Notice of Violation is enclosed that categorizes each violation by severity level. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

Item A in the Notice of Violation enclosed with this letter was identified during a previous inspection of your licensed activities and documented in a Notice of Violation enclosed with our letter dated November 12, 1999. From this inspection, it appears that your corrective action was not effective since this item has recurred. Recurrent and uncorrected violations are given additional weight in the consideration and selection of appropriate enforcement action. Therefore, in your response to this letter, you should give particular attention to those actions taken or planned to ensure that identified items of noncompliance will be completely corrected and will not recur.

Current NRC regulations and the General Policy and Procedure for NRC Enforcement Actions are available at the NRC web site at <http://www.nrc.gov/materials/miau/mat-toolkits.html> and <http://www.nrc.gov/what-we-do/regulatory/enforcement> or by contacting the Government

H. Harris
Harrel, Inc.

2

Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays).

Your cooperation with us is appreciated.

Sincerely,

Original signed by James P. Dwyer

James P. Dwyer, Chief
Commercial and R&D Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
David Madar, Director of Operations
State of Connecticut

H. Harris
Harrel, Inc.

Distribution:
D. J. Holody, RI

DOCUMENT NAME: E:\Filenet\ML051730257.wpd

To receive a copy of this document, indicate in the box: "C" = Copy w/o attach/encl "E" = Copy w/ attach/encl "N" = No copy

OFFICE	DNMS/RI	N	DNMS/RI	N	DNMS/RI			
NAME	JNicholson (JJN)		JDwyer (JPD)					
DATE	06/22/2005		06/22/2005					

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Harrel, Inc.
East Norwalk, CT

Docket No. 03011491
License No. 06-16699-01

During an NRC inspection conducted on June 8, 2005, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 20.1101(a) requires that each licensee develop, document and implement a radiation protection program commensurate with the scope and extent of licensed activities and sufficient to ensure compliance with the provisions of this part. 10 CFR 20.1101(c) requires that the licensee shall periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, as of June 8, 2005, the licensee has not reviewed the radiation protection program content and implementation since 1999. This is a repeat violation that was noted during the inspection conducted on November 12, 1999.

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

- B. Condition 18 of License No. 06-16699-01 requires that the licensee conduct a physical inventory every six months to account for all sources received and possessed under the license.

Contrary to the above, the licensee has not conducted a physical inventory every six months to account for all sources received and possessed, since the last inspection in 1999. Specifically, the licensee maintains a running inventory that provides information as to the total activity on hand; however, this system does not physically account for individual sources.

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

- C. Condition 16. D. of License No. 06-16699-01 requires that no sealed source shall be stored for a period of more than 10 years without being tested for leakage and/or contamination.

Contrary to the above, the licensee has had sealed sources in storage for a period of more than 10 years and they have not been tested for leakage and/or contamination.

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

Pursuant to the provisions of 10 CFR 2.201, Harrel, 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, 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.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site.

Current NRC regulations and the General Policy and Procedure for NRC Enforcement Actions are available at the NRC web site at <http://www.nrc.gov/materials/miau/mat-toolkits.html> and <http://www.nrc.gov/what-we-do/regulatory/enforcement>. Or by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays). To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available 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.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated This 22nd day of June 2005