

June 3, 2008
EN-08-033

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: IBS of America Corporation (EA-08-031)
Docket No.: 03034734

Subject: PROPOSED IMPOSITION OF CIVIL PENALTY - \$3,250

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the amount of \$3,250 will be issued on or about June 6, 2008 to IBS of America (IBS) for a Severity Level III violation of 10 CFR 30.34(c) (failure to confine possession and use of byproduct material to the locations and purposes authorized by the license). Specifically, during November 2006, IBS permanently ceased activities at the facility authorized by the NRC license, and began to store and use its portable gauges at a new facility location not authorized by its NRC license. At the time that IBS moved to its new location, two of its gauges had not been recently leak tested, and IBS had not performed a final radiation survey of its prior location of use. This created a potential for the prior location of use to have been released for unrestricted use with residual contamination present. The licensee has taken appropriate corrective actions.

Because IBS has been the subject of escalated enforcement actions within the last two inspections, the staff considered whether credit was warranted for both identification and corrective action. Although credit for corrective actions was warranted, credit for identification was not warranted, because the NRC identified the violation. Therefore, a base civil penalty of \$3,250 is being proposed.

Two related Severity Level IV violations are cited in the Notice as well.

The licensee will be informed of the enforcement action according to the following schedule:

Mailing of the Notice	June 6, 2008
Telephone Notification of Licensee	June 6, 2008

The Commonwealth of Virginia will be notified.

Contacts: Susanne Woods, OE, 415-2740 Nick Hilton, OE, 415-3055

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NAME	S. Woods	N. Hilton
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