

OCT 05 1989

Docket Nos. 030-16089
999900001

License Nos. 18-10765-02
General License
(10 CFR 31.5)

EA 89-181

International Paper Company
ATTN: James Thompson
Resident Manager
Androscoggin Mill
Jay, Maine 04239

Gentlemen:

SUBJECT: NOTICE OF VIOLATION AND NOTICE OF DEVIATION
(NRC Inspection Report Nos. 99990001/89-001, 030-16089/89-001)

This letter refers to the NRC special inspection conducted on August 3-4, 1989 at your facility in Jay, Maine of activities authorized by NRC Specific License No. 18-10765-02, as well as activities authorized under a general license to possess and use certain nuclear gauges pursuant to 10 CFR 31.5. The inspection report is enclosed. During the inspection, two violations of the terms of the general license were identified. Furthermore, a deviation from a commitment made in a May 16, 1988 letter to the NRC was also identified. The commitment was made in response to a Notice of Violation attached to the NRC letter dated April 11, 1988, for a violation of License No. 18-10765-02.

The violations, which are described in the enclosed Notice of Violation, involved: (1) the unauthorized movement, by workers at your facility in July 1989, of two nuclear gauges each containing approximately 34 millicuries of cobalt-60; and (2) the failure to suspend operations and notify the NRC of the failure of the on-off mechanism for certain nuclear gauges. The workers removed the gauges during the installation of new gauge housings. During that activity, the individuals found it necessary to remove the gauges prior to installation of the new housings; however, they were apparently unaware that the gauges contained radioactive sources. Furthermore, at the time the gauges were removed, the shutters on the gauges were in the failed open position, thereby creating radiation in their vicinity. Although the foremen and millwrights performing this activity were briefed by the Industrial Hygienist, an apparent miscommunication or misunderstanding resulted in the mistaken notion that the gauges were safe to remove, if necessary.

Violations involving conduct of licensed activities by a technically unqualified individual are normally classified at Severity Level III and subject to a civil penalty in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1989) (Enforcement Policy). In this case, however, the estimated radiation exposure

OFFICIAL RECORD COPY

INTERPA - 0001.0.0
10/03/89

8910270096 891005
REG1 LIC30
18-10765-02 PDC

RETURN ORIGINAL TO
REGION I

IE:07

received by the workers was less than 100 millirem, the movement of the gauges was caused by miscommunication rather than design, and your corrective measures were prompt and should be effective to ameliorate the event. Therefore, the NRC has decided to classify each of these two violations at Severity Level IV. Nonetheless, we emphasize that any similar violations in the future may result in escalated enforcement action, including civil penalties or an Order to modify, suspend or revoke your licenses.

You are required to respond to this letter and the enclosed Notice of Violation, 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. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further action is needed to ensure compliance with regulatory requirements.

In addition to the Notice of Violation, also enclosed is a Notice of Deviation for failure to meet commitments made in your letter dated May 16, 1988, in response to a Notice of Violation issued by the NRC on April 11, 1988. You are also requested to respond to the enclosed Notice of Deviation and to follow the instructions specified therein when preparing your response. In the future, if you do not implement corrective actions that you have described to NRC, you are expected to inform the NRC why you are not implementing the corrective actions, and discuss alternative corrective actions if needed.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL No. 96-511.

Sincerely,

**Original Signed By:
Malcolm R. Knapp**

Malcolm R. Knapp, Director
Division of Radiation Safety
and Safeguards

Enclosures:

- 1) Notice of Violation
- 2) Notice of Deviation

cc w/encls:

Public Document Room
Nuclear Safety Information Center (NSIC)
State of Maine

bcc w/encl:
 Region I Docket Room (with concurrences)
 SECY
 Congressional Affairs
 J. Taylor, EDO
 H. Thompson, DEDES
 W. Russell, RI
 D. Holody, RI
 J. Lieberman, OE
 Enforcement Directors, RII-III
 Enforcement Officers, RIV-V
 F. Ingram, GPA/PA
 B. Hayes, OE
 V. Miller, SPA/BA
 E. Jordan, AEOD
 D. Nussbaumer, OGPA
 OE:JDeMedico
 OE:EA
 OE:Chron
 DCS
 J. Goldberg, OGC
 R. Benero, NMSS
 R. Cunningham, NMSS

RI:EO *DM*
 Holody/tlm

09/12/89

RI:DRSS
 White

09/14/89

RI:DRSS
 Bettenhausen

09/15/89

RI:DRSS
 Knapp

09/16/89

RI:DRA
 Martin

09/23/89

RI:RA
 Russell

09/25/89

Lieberman

*Rec'd by ph for 10/3/89
 OE (DeMedico) DMH
 10/1/89*