

NOTICE OF VIOLATION

International Paper Company
Jay, Maine 04239

Docket No. 99990001
License No. General License
(10 CFR 31.5)
EA 89-181

During an NRC inspection conducted on August 3-4, 1989, two 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 (1989), the particular violations are set forth below:

- A. 10 CFR 31.5(c)(3) provides that persons who acquire, receive, possess, use or transfer byproduct material in measuring or gauging devices pursuant to a general license shall assure that removal of such devices from installation is performed in accordance with the instructions provided by the label or by a person holding a specific license pursuant to 10 CFR Parts 30 and 32 or from an Agreement State to perform such activities.

Contrary to the above, on July 21 and 24, 1989, two Berthold Nuclear density gauges, each containing approximately 34 millicuries of cobalt 60 and generally licensed pursuant to 10 CFR 31.5(a), were removed from installation by licensee employees; however, the licensee did not possess a specific license to perform such activities, and this removal was contrary to the instructions provided by the label.

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

- B. 10 CFR 31.5(c)(5) requires, in part, that upon occurrence of a failure or any indication of a failure to the on-off mechanism or indicator of a generally licensed device, the general licensee shall immediately suspend operation of the device until it has been repaired by the manufacturer or other person specifically licensed to repair such devices, and within 30 days, furnish the Administrator of the appropriate NRC office a report containing a brief description of the event and the remedial action taken.

Contrary to the above, as of August 4, 1989, operations were not suspended upon, nor was the NRC notified of, the failure of the on-off mechanism of certain Berthold Model LB 7442 gauges after their installation in 1987 and again in January and June 1989.

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

Pursuant to the provisions of 10 CFR 2.201, International Paper Company, (licensee) is hereby required to submit a written statement or explanation to this office within 30 days of the date of this Notice. This reply should be clearly marked as a "Reply to a Notice of Violation" and should included for each alleged violation: (1) admission or denial of the alleged violation,

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(2) the reasons for the violation, if admitted, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that will be taken to avoid further violations, and (5) the date when full compliance will be achieved. Consideration will be given to extending the response time for good cause shown.

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

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

Dated at King of Prussia, Pennsylvania
this 5th day of October 1989