

NOTICE OF VIOLATION

IEA, Inc.
Monroe, CT

Docket Nos. 030-33496
99990001
License No. 06-30139-01
General

During an NRC inspection conducted on May 7, 1998, five violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG-1600, the violations are listed below:

- A. 10 CFR 30.34(h)(1)(i) requires that each licensee notify the appropriate NRC Regional Administrator, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of title 11 (Bankruptcy) of the United States Code by or against the licensee.

Contrary to the above, as of May 7, 1998, the licensee did not notify the appropriate NRC Regional Administrator, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of title 11 (Bankruptcy) of the United States by or against the licensee. Specifically, the licensee filed a petition for voluntary bankruptcy under chapter 11 on February 24, 1998, and the licensee notified the NRC License Fees Debt Collection Branch instead of the appropriate NRC Regional Administrator on April 30, 1998.

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

- B. 10 CFR 31.5(c)(1) requires, in part, that any person who acquires, receives, possesses, uses, or transfers byproduct material in a device pursuant to a general license in 10 CFR 31.5(a) assure that all labels affixed to the device at the time of receipt and bearing a statement that removal of the label is prohibited are maintained thereon.

Contrary to the above, as of May 1998, the licensee acquired, received, possessed, and used byproduct material in a device (i.e., a Perkin Elmer electron capture detector [ECD]) pursuant to a general license in 10 CFR 31.5(a) and did not assure that all labels affixed to the device at the time of receipt and bearing a statement that removal of the label is prohibited was maintained thereon. Specifically, one ECD out of six was kept in storage without the required label attached.

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

- C. 10 CFR 31.5(c)(2) requires, in part, that any person who acquires, receives, possesses, uses, or transfers byproduct material in a device pursuant to a general license in 10 CFR 31.5(a) assure that the device is tested for leakage of radioactive material at no longer than six-month intervals or at such other intervals as are specified in the label with exceptions.

Contrary to the above, as of May 7, 1998, the licensee acquired, received, possessed, and used byproduct material in a device pursuant to a general license in 10 CFR 31.5(a) and did not assure that the device was tested for leakage of radioactive material at no longer than six-month intervals, no other interval was specified on the label and the

exceptions did not apply. Specifically, the licensee possessed six Perkin Elmer ECDs in storage since 1995 after having been used prior to 1995 and the ECDs had not been tested for leakage of radioactive material since placed in storage.

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

- D. Condition 11.A. of License No. 06-30139-01 requires that licensed material be used by, or under the supervision of Michael Stone.

Contrary to the above, as of May 7, 1998, licensed material was not used by, or under the supervision of Michael Stone. Specifically, Mr. Stone left the employ of the company on December 31, 1997 and the licensee did not request an amendment to their license until May 8, 1998.

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

- E. Condition 11 B. of License No. 06-30139-01 requires that the Radiation Safety Officer for the license be Michael Stone.

Contrary to the above, as of May 7, 1998, the Radiation Safety Officer for the license was not Michael Stone. Specifically, Mr. Stone left the employ of the company on December 31, 1997 and no one was performing the functions of the Radiation Safety Officer.

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

Pursuant to the provisions of 10 CFR 2.201, IEA, 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, this response shall be submitted under oath or affirmation.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR 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.