

NOTICE OF VIOLATION

Eastern Associated Coal Corporation
Wharton, West Virginia

Docket No. 030-28938
License No. 45-24809-01

During an NRC inspection conducted August 28-29, 1996, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) (60 FR 34381, June 30, 1995), the violations are listed below:

- A. Condition 14A of License No. 47-24809-01 specifies that the licensee perform a leak test of its sealed sources every six months.

Contrary to the above, as of August 28, 1996, the licensee was performing a leak test of the sources in the Coalscan gauges annually.

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

- B. Condition 16 of License No. 47-24809-01 requires the licensee to conduct an inventory of its sealed sources every six months.

Contrary to the above, as of August 28, 1996 the licensee was conducting annual inventories of its Coalscan gauges.

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

- C. Condition 20 of License 47-24809-01 requires the licensee to test the proper operation of the on/off mechanism of each gauge every six months.

Contrary to the above, as of August 28, 1996, the licensee was performing this test annually.

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

- D. 10 CFR 20.1101(c) states that the licensee shall periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, as of August 28, 1996, the licensee has not performed an annual review of the radiation safety program.

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

- E. Condition 10D to License 47-24809-01 requires the licensee to maintain copies of all required records for the activities authorized by this license at the Wells office in Wharton, WV.

Contrary to the above, as of August 28, 1996, the licensee did not maintain all required records in this central location. Each place of use had some of the required records.

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

Enclosure

Pursuant to the provisions of 10 CFR 2.201, Eastern Associated Coal Corporation is hereby required to submit a written statement or explanation to the Regional Administrator, Region II, with a copy to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, 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 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.

Dated at Atlanta, Georgia
This 13th day of September, 1996

Enclosure