



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

December 7, 2005

Docket No. 03033256

License No. 47-25265-01

Richard Ferend, Ph.D.
President
Salem International University
223 West Main Street
P.O. Box 500
Salem, WV 26426-0500

SUBJECT: INSPECTION 03033256/2005-002, SALEM INTERNATIONAL UNIVERSITY,
SALEM, WEST VIRGINIA AND NOTICE OF VIOLATION

Dear Dr. Ferend:

On November 17, 2005, Steve Courtemanche of this office conducted a safety inspection at the Salem International University, Salem, West Virginia address, of activities authorized by your NRC license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selected examination of representative records. The findings of the inspection were discussed with your Radiation Safety Officer, Leon Bertocci, Ph.D., at the conclusion of the inspection.

Based on the results of this inspection, it appears that your activities were not conducted in full compliance with NRC requirements. A Notice of Violation is enclosed that categorizes the violation by severity level. You are required to respond to this letter 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. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

Current NRC regulations are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, industrial, and academic uses of nuclear material**; then **toolkit index page**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **What We Do, Enforcement**, then **Enforcement Policy**. Or you may obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays).

R. Ferend
Salem International University

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Your cooperation with us is appreciated.

Sincerely,

/Original Signed by/

James P. Dwyer, Branch Chief
Commercial and R&D Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc w/encl:
Leon Bertocci, Ph.D., Radiation Safety Officer
State of West Virginia

R. Ferend
Salem International University

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OFFICE	DNMS/RI	N	DNMS/RI		DNMS/RI			
NAME	Scourtemanche/src JPD f/		JDwyer/jpd					
DATE	11/23/2005		12/7/2005					

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Salem International University
Salem, WV

Docket No. 03033256
License No. 47-25265-01

During an NRC inspection conducted on November 17, 2005, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 30.34(b) requires, in part, that no license issued or granted under the regulations of 10 CFR Part 30 nor any right under a license be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission, after securing full information, find that the transfer is in accordance with the provisions of the Act and give its consent in writing.

Contrary to the above, as of November 17, 2005, the licensee was issued a license under the regulations of 10 CFR Part 30 and transferred control of the license in July 2005 without first providing the Commission full information on the transfer and receiving the Commission's consent in writing.

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

Pursuant to the provisions of 10 CFR 2.201, Salem International University 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, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available 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.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated This 7th day of December 2005