

SEP 27 1985

Docket No. 070-00296
Inquiry No. 85-01

License No. SNM-275
Expiration Date: December 31, 1983

Fairleigh Dickinson University
Teaneck Campus
ATTN: G. Lansing Blackshaw
Dean
1000 River Road
Teaneck, New Jersey 07666

Gentlemen:

Subject: NOTICE OF VIOLATION

This refers to the telephone discussions between Marlene J. Taylor of this office and yourself on January 2, 1985 and September 9, 1985. The subject of the discussion was the fact that NRC records show that the license identified above has expired and no renewal application has been filed in accordance with Section 70.33 of Title 10, Code of Federal Regulations, Part 70.

From this discussion we learned that you still possess material which required a specific NRC license. Your possession of that material without a valid, specific license is a violation of Section 70.3 of 10 CFR Part 70. Section 70.3 states:

"No person subject to the regulations in this part shall receive title to, own, acquire, deliver, receive, possess, use, or transfer special nuclear material, except as authorized in a license issued by the Commission pursuant to these regulations.

This Notice of Violation is sent to you under the provisions of Section 2.201 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations. Section 2.201 requires you to submit to this office a written statement or explanation in reply including: (1) corrective steps which have been taken by you, and (2) corrective steps which will be taken to avoid this happening in the future.

Since you plan to continue possession of radioactive material, your corrective steps must include prompt filing of an application for a new license. Since your present license has expired, your application will be processed as a request for a new license. Accordingly, you must determine if your program is subject to a license fee as required by Section 170.31 of 10 CFR Part 170 and, if one is required, submit the appropriate fee along with the application. Copies of appropriate application forms and guides are enclosed for your use.

Also, you must immediately place the radioactive material on hand in secure storage until such time as you acquire a valid license. No other use of the material on hand or purchase of additional material is authorized. Include a statement in your reply to this Notice of Violation confirming that you have taken this action and describing the controls that will be exercised over the stored material until such time that you obtain a valid license.

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You are required to reply to this Notice within 30 days of the date above. Address your reply to Region I, U. S. Nuclear Regulatory Commission, Attention: Chief, Nuclear Materials Section A, 631 Park Avenue, King of Prussia, Pennsylvania 19406.

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 your reply will be placed in the Public Document Room.

The responses directed by this 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 96-511.

We request that you give prompt attention to these matters. Should you have any questions regarding them, we would be pleased to discuss them with you.

Sincerely,

Original Signed By:

Francis M. Costello

John D. Kinneman, Chief

Nuclear Materials Safety Section A

Division of Radiation Safety

and Safeguards

Enclosures:

1. NRC Form 313
2. 10 CFR Part 170
3. 10 CFR Parts 19, 20 and 70
4. Regulatory Guide 10.2
5. Errata Sheet

cc:

Public Document Room (PDR)
Nuclear Safety Information Center (NSIC)
State of New Jersey

bcc:

Region I Docket Room (w/concurrences)

MJT
RI:DRSS
Taylor/mjh
9/18/85

FMC
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Kinneman
9/17/85

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