

**Office of the Vice President  
for Academic Affairs**

Florham-Madison Campus  
Madison, New Jersey 07940  
201-443-8082

June 24, 1997

U. S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, D.C. 20555

**Reply to a Notice of Violation**

On May 21 and 22, James Bondick, NRC Region I, conducted a safety inspection for Fairleigh Dickinson University's License No. 29-07094-03. Mr. John D. Kinneman, Chief of Nuclear Material Safety Branch 2, notified me, in his June 2, 1997 letter, that FDU is in violation of NUREG 1600, which requires a written statement or explanation.

FDU has been in possession of a 400-curie sealed source for approximately thirty years. Because of retirements and personnel changes, the source is no longer being used and has not been used for academic purposes since 1992. FDU is in full-control of the source. Qualified staff is performing wipe tests regularly in compliance with the regulations. The source is contained in a locked room and is not accessible unauthorized personnel.

The University will properly dispose of this source within the next several months. It is our intention to identify and to transfer it to a proper facility by April 30, 1998 at the latest. To ensure that this takes place, FDU has requested an extension of it license through April 30, 1998.

We hope that this letter explains the reasons for the violation and the corrective action being taken.

Sincerely,

Albert D. Schielke  
Assistant Vice President for Academic Affairs

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cc: Regional Administrator, Region I  
Mr. John D. Kinneman, Chief Nuclear Material Safety Branch 2, Region I  
Dr. M. Gibbs, Teaneck-Hackensack Provost  
Dr. W. Arthur, University Nuclear Compliance Officer

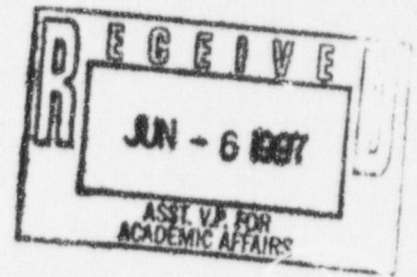
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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

June 2, 1997



Docket No. 030-29458

License No. 29-07094-03

Albert D. Schielke  
Vice President Academic Affairs  
Fairleigh Dickinson University  
285 Madison Avenue  
Mail Code M101D  
Madison, NJ 07940

SUBJECT: INSPECTION NO. 030-29458/97-001

Dear Mr. Schielke:

On May 21 and 22, 1997, James Bondick of this office conducted a safety inspection at the Teaneck, New Jersey, and Madison, New Jersey of activities authorized by the above listed 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 selective examination of representative records. The findings of the inspection were discussed with you, 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 and categorizes each violation by severity level in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG 1600. 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.

Your letter dated May 13, 1996 states that you were appointed Radiation Safety Officer for License No. 29-070094-03. However, we need you to submit a separate, formal request in order to amend License No. 29-07094-03 to change the name of the Radiation Safety Officer.

In accordance with Section 2.790 of 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

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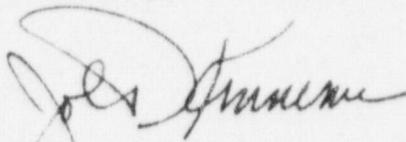
A. Schielke  
Fairleigh Dickinson University

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Document Room (PDR). To the extent possible, your response 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. The responses directed by this letter and the accompanying 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.

Your cooperation with us is appreciated.

Sincerely,



John D. Kinneman, Chief  
Nuclear Material Safety Branch 2  
Division of Nuclear Materials Safety

Docket No.: 030-29458  
License No.: 29-07094-03

Enclosure:  
Notice of Violation

cc w/enclosure:  
State of New Jersey



## NOTICE OF VIOLATION

Fairleigh Dickinson University  
Teaneck, New Jersey

Docket No. 030-29458  
License No. 29-07094-03

During an NRC inspection conducted on May 21 & 22, 1997, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG 1600, the violation is listed below:

10 CFR 30.36(d) requires each licensee, including holders of possession for storage only licenses, to notify the NRC in writing when no principal activities under the license have been conducted for a period of 24 months and to immediately decommission the facility (dispose of licensed material).

Contrary to the above, the licensee has not conducted licensed operations since April 1992, and has not complied with the requirements of 10 CFR 30.36. Specifically, the licensee did provide written notification to the NRC of the fact the principal activities had ceased for a period of 24 months and has not decommissioned the facility (disposed of licensed material).

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

Pursuant to the provisions of 10 CFR 2.201, Fairleigh Dickinson 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.

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.

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