

DCS

APR 30 1991

Docket No. 030-13146

License No. 06-17669-01

Baron Consulting Company, Incorporated  
ATTN: David Ditta  
273 Pepe Farm Road  
Milford, Connecticut 06460

Gentlemen:

SUBJECT: NOTICE OF VIOLATION/91-001

This refers to the telephone discussion between Miss Judith A. Joustra of this office and you on February 11, 1991. From this discussion we learned that you possess a gas chromatograph which contains radioactive material which requires a specific NRC license. Your current NRC license authorizes the possession and use of a Perkin Elmer gas chromatograph with a different model detector cell than the one received from East Coast Environmental Service Corporation. Your possession of that material without a valid, specific license is a violation of Section 30.3 of 10 CFR Part 30. Section 30.3 states:

"Except for persons exempt as provided in this part and Part 150 of this chapter, no person shall manufacture, produce, transfer, receive, acquire, own, possess, or use, byproduct material except as authorized in a specific or general license issued pursuant to the regulations in this chapter."

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 amendment request for authorization of this gas chromatograph (Perkin-Elmer Model 009-00282 detector cell). You must determine if your program is subject to a license fee as required by Section 170.31 of 10 CFR Part 270 and, if one is required, submit the appropriate fee along with the request.

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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RETURN ORIGINAL TO  
REGION I

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Baron Consulting Company, Incorporated 2

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: Jenny M. Johansen, Chief, Nuclear Materials Safety Section D, 475 Allendale Road, King of Prussia, Pennsylvania 19406.

In accordance with Section 2.790 of the NRC's "Rule 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 response 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:**  
Jenny Johansen

Jenny M. Johansen, Chief  
Nuclear Materials Safety Section D  
Division of Radiation Safety  
and Safeguards

cc:  
Public Document Room (PDR)  
Nuclear Safety Information Center (NSIC)  
State of Connecticut

bcc:  
Region I Docket Room (w/concurrences)  
Management Assistant, DRMA

RI:DRSS *AS*  
Joustra/bj  
04/27/91

RI:DRSS  
Johansen  
04/25/91 *gm*

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