



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BLVD.
KING OF PRUSSIA, PA 19406-2713

December 19, 2017

David W. Frassinelli
Associate Vice President –
Facilities Management
Fairfield University
Department of Biology
1073 North Benson Road
Fairfield, CT 06430

SUBJECT: FAIRFIELD UNIVERSITY- NRC INSPECTION NO. (03019056/2017001) AND
NOTICE OF VIOLATION

Dear Mr. Frassinelli:

This letter refers to the inspection conducted on November 6, 2017, at your Fairfield, Connecticut facility. This inspection examined activities conducted under your license as they relate to public health and safety, and to confirm compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel. This letter also refers to the teleconference exit conducted on December 18, 2017.

Based on the results of this inspection, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at (<https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>). The violation is cited in the enclosed Notice of Violation (Notice) because the violation was identified by the NRC.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC Web site at <https://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Current NRC regulations and guidance are included on the NRC's Web site at www.nrc.gov; select Nuclear Materials; Med, Ind, & Academic Uses; then Regulations, Guidance and Communications. The current Enforcement Policy is included on the NRC's Web Site at www.nrc.gov; select About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents; then Enforcement Policy (Under 'Related Information'). You may also

obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

If you have any questions regarding this matter, please contact John Miller of my staff at 610-337-5089 or via electronic mail at john.miller@nrc.gov.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink that reads "Craig Z. Gordon". The signature is written in a cursive style with a large initial "C".

Craig Z. Gordon, Acting Chief
Commercial, Industrial, R&D
and Academic Branch
Division of Nuclear Materials Safety
Region I

Docket No. 030-19056
License No. 06-09667-03

Enclosure:
Notice of Violation

cc w/Enclosure: Joseph Bouchard, Radiation Safety Officer
State of Connecticut

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cc w/Enclosure: Joseph Bouchard, Radiation Safety Officer
State of Connecticut

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SUNSI Review Complete: John Miller

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OFFICE	RI:DNMS	RI:DNMS				
NAME	JMiller <i>JM</i>	CGordon <i>CG</i>				
DATE	<i>12-19-17</i>	<i>12/19/17</i>				

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Fairfield University
Fairfield, Connecticut

Docket No. 030-19056
License No. 06-09667-03

During an NRC inspection conducted on November 6 and December 18, 2017, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 30.36(d)(3) requires, in part, that within 60 days of no principal activities under the license having been conducted for a period of 24 months, each licensee shall provide notification to the Nuclear Regulatory Commission (NRC) in writing of such occurrence.

Contrary to the above, Fairfield University did not provide notification to the NRC in writing and within 60 days of no principal activities under the license having been conducted for a period of 24 months. Specifically, on November 6, 2017, the licensee had not performed principal activities since the previous inspection on December 10, 2012, a period greater than 58 months, and the licensee did not notify the NRC of such occurrence within 60 days.

This is a Severity Level IV violation (Enforcement Policy Example 6.3.)

Pursuant to the provisions of 10 CFR 2.201, Fairfield 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 of receipt.

Dated This 19 day of December 2017