

JAN 16 1990

Docket Nos. 030-15114
030-17023

License Nos. 29-18435-01
29-18435-02

Inquiry Nos. 030-15114/89-001 and 030-17023/90-001

William Paterson College of New Jersey
ATTN: Robert Simpson, PH.D.
Dean of Science and Math
300 Pompton Road
Wayne, New Jersey 07470

Gentlemen:

SUBJECT: NOTICE OF VIOLATION

This refers to the telephone discussion between you and Mr. Steven Courtemanche of this office on January 9, 1990. The subject of this discussion was the fact that NRC records show that License No. 29-18435-01 has expired and no renewal application has been filed in accordance with Section 30.37 of Title 10, Code of Federal Regulations, Part 30. The discussion also included the pending need for renewal of License No. 29-18435-02 which expires on January 31, 1990.

From this discussion we learned that you still possess material which requires a specific NRC license. 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, use, import, or export 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 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.

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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.

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 C, 475 Allendale Road, King of Prussia, Pennsylvania 19406.

Concerning License No. 29-18435-02, it is our understanding that you will be renewing this license. In order to continue licensed activities under the authority of this license, you must send in a renewal application to the Region I Office so that it is received before the expiration date of the license. If our understanding is incorrect, please inform us in writing with your reply to the Notice of Violation.

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:
John J. Miller

JRW
John R. White, Chief
Nuclear Materials Safety Section C
Division of Radiation Safety
and Safeguards

Enclosures:

1. NRC Form 313
2. 10 CFR 170
3. Guide for Self-contained Irradiators

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

Michael Sebetich, Ph.D., Radiation Safety Officer

bcc:
Region I Docket Room (w/concurrences)

RI:DRSS
SCourtemanche

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RI:DRSS
JWhite

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