

Official Record

NOV 27 1990

Docket No. 070-00661  
License No. SNM-608

West Virginia Institute of Technology  
ATTN: Dr. Kenneth R. Bailey  
Vice President for  
Administrative Affairs  
Department of Physics  
Montgomery, WV 25136

Gentlemen:

SUBJECT: NOTICE OF VIOLATION FOR EXPIRED LICENSE

NRC records show that Byproduct Material License No. SNM-608 expired on May 31, 1990, and no renewal application has been filed in accordance with 10 CFR 30.36.

Possession of byproduct material without a valid license is a violation of 10 CFR 30.3. The violations, reference to pertinent requirements, and elements to be included in your response are presented in the enclosed Notice of Violation.

In addition, during a conversation on November 15, 1990, between Mr. W. Loo of this office and Dr. Keith Honey, it came to our attention that radioactive material has been moved and used at a location different from that stated in your license. This transfer and use of radioactive material is a violation of your license.

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. 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.

If you want to continue your program, you must immediately submit an NRC Form 313, "Application for Byproduct Materials License," Enclosure 2, to the address below with the appropriate fee for a new license as specified in 10 CFR 170, Enclosure 3.

U. S. Nuclear Regulatory Commission  
ATTN: Chief, Nuclear Materials  
Safety Section  
101 Marietta Street, N.W., Suite 2900  
Atlanta, Georgia 30323

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Also, you must place any radioactive material on hand in secure storage until such time as you acquire a valid license. If adequate storage facilities are not available, you must transfer the material to an authorized recipient until a new license is issued. No other use of material on hand or purchase of additional byproduct material is authorized.

If you elect to dispose of the byproduct material, you must fill out NRC Form 314, Enclosure 4, and return it to us immediately.

The responses directed by this letter and the enclosures are not subject to the clearance procedures of the Office of Management and Budget issued under the Paperwork Reduction Act of 1980, PL 96-511.

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 its enclosures will be placed in the NRC Public Document Room.

We request that you give prompt attention to these matters.

Sincerely,  
*ORIGINAL SIGNED*  
BY  
**W. E. CLINE**

William E. Cline, Chief  
Nuclear Materials Safety and  
Safeguards Branch  
Division of Radiation Safety  
and Safeguards

Enclosures:

1. Notice of Violation
2. NRC Form 313
3. 10 CFR Part 170
4. NRC Form 314

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State of West Virginia

bcc w/encl 1:  
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