

ENCLOSURE 1

NOTICE OF VIOLATION

West Virginia Institute of Technology
Montgomery, West Virginia

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

The following violations were identified during a review of records. The Severity Levels were assigned in accordance with the NRC Enforcement Policy (10 CFR Part 2, Appendix C).

- A. 10 CFR 30.3 requires that 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.

10 CFR 30.36 requires that no less than 30 days before the expiration date specified in a specific license, the licensee shall either:
(1) submit an application for license renewal under 10 CFR 30.37; or
(2) notify the Commission in writing, under 10 CFR 30.6, if the licensee decides not to renew the license.

If a licensee does not submit an application for license renewal under 10 CFR 30.37, the licensee shall, on or before the expiration date specified in the license: (1) terminate use of byproduct material; (2) remove radioactive contamination to the extent practicable; (3) properly dispose of byproduct material; (4) submit a completed NRC Form 314; and (5) submit a radiation survey report.

Contrary to the above, License No. SNM-608 expired on January 31, 1990, and no application for renewal, notice of non-renewal, or other transfer, disposal or survey records has been received by the NRC.

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

- B. Condition 10 of NRC License No. SNM-608 requires that licensed material be used only in Room 102 of Science Hall.

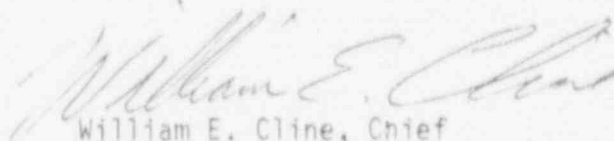
Contrary to the above, in the Spring and Summer 1989, licensed materials were used in Orndorff Hall.

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

Pursuant to the provisions of 10 CFR 2.201, West Virginia Institute of Technology is hereby required to submit a written statement or explanation to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region II, within 30 days of the date of the letter transmitting this Notice. This reply should be

clearly marked as a "Reply to a Notice of Violation" and should include [for each violation]: (1) admission or denial of the violation, (2) the reason for the violation if admitted, (3) the corrective which have been taken and the results achieved, (4) the corrective steps which will be taken to avoid further violations, and (5) the date when full compliance will be achieved. Where good cause is shown, consideration will be given to extending the response time. If an adequate reply is not received within the time specified in this Notice, an order may be issued to show cause why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken.

FOR THE NUCLEAR REGULATORY COMMISSION



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

Dated at Atlanta, Georgia
this 27th day of November 1990