

JUN - 3 1994

Docket No. 030-30484

License No. 37-28178-01
Expiration Date: August 31, 1993

Dr. Harry Morgan
218 Long Lane
Upper Darby, Pennsylvania 19082

Dear Dr. Morgan:

SUBJECT: NOTICE OF VIOLATION - 030-30484/94-001

This refers to the telephone discussions between Ms. Sharon Law Johnson of this office and yourself, on several occasions during February, March, April and May, 1994. The subject of the discussions was your expired license and your failure to submit a new license application to the NRC in accordance with Section 30.3 of Title 10, Code of Federal Regulations, Part 30. From these discussions, 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. 10 CFR 30.3 requires that, except for persons exempted, no person shall possess or use byproduct material except as authorized by a specific or general license. Your previous specific license expired on August 31, 1993 and you have possessed material for which possession requires a specific license.

Also, you must immediately place your radioactive material in secure storage until such time as you acquire a valid license. No other use of the material or purchase of additional material is authorized. Please 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.

Since you plan to continue possession of radioactive material, your corrective steps must include prompt filing of an application 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.

As indicated above, it appears that your activities are not being conducted in full compliance with NRC requirements. A Notice of Violation is enclosed as Appendix A and categorizes the violation by severity level in accordance with the "General Statement of Policy and

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Dr. Harry Morgan

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Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (Enforcement Policy). You are required to respond to this letter and in preparing your response, you should follow the instructions in Appendix A.

Please use the enclosed self-addressed green envelope when you respond to the Notice of Violation in this letter to assist us in the timely processing of your response. In accordance with Section 2.790 of 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 letter and the accompanying 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 this matter. Should you have any questions regarding them, we would be pleased to discuss them with you.

Your cooperation with us is appreciated.

Sincerely,

Original Signed By:
Walter J. Pasciak

Walter J. Pasciak, Chief
Nuclear Materials Safety Section C
Division of Radiation Safety and
Safeguards

Enclosure:
Notice of Violation

cc:
Public Document Room (PDR)
Nuclear Safety Information Center (NSIC)
Commonwealth of Pennsylvania

Dr. Harry Morgan

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bcc:

Region I Docket Room (w/concurrences)

W. Pasciak, RI

S. Johnson, RI

D. Holody, RI

RI:DRSS

SLJ

Johnson

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RI:DRSS

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