

APPENDIX A

NOTICE OF VIOLATION

York Laboratories of New Jersey, Inc.
Whippany, New Jersey 07981

Docket No. 030-31145
License No. 29-28380-01(expired)

During an NRC inspection conducted on October 19, 1994, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the violations are listed below:

- A. 10 CFR 30.34(b) requires, in part, that no license issued pursuant to the regulations in this part shall be transferred to any person, unless the Commission shall, after securing full information, give its consent in writing.

Contrary to the above, on December 8, 1990, License No. 29-28380-01 was transferred without written consent from the Commission. Specifically, York Laboratories of New Jersey, Inc. transferred the license to another company and had not notified the Commission as of October 19, 1994, nor had consent been given by the Commission.

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

- B. 10 CFR 30.36(b) requires, in part, that each licensee shall notify the Commission promptly, in writing under Part 30.6, and request termination of the license when the licensee decides to terminate all activities involving materials authorized under the license.

10 CFR 30.36(c)(1)(iv) requires that if a licensee does not submit an application for license renewal under Part 30.37, the licensee shall on or before the expiration date specified in the license, submit a completed Form NRC-314, which certified information concerning the disposition of materials.

Contrary to the above, as of October 19, 1994, the licensee did not notify the Commission in writing requesting termination of license No. 29-28380-01, and did not submit an application for license renewal on or before the expiration date, July 31, 1994, specified in the license, and did not submit a completed Form NRC-314.

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

Pursuant to the provisions of 10 CFR 2.201, York Laboratories of New Jersey, Inc. 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. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information 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. Where good cause is shown, consideration will be given to extending the response time.