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March 22, 1986

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Mr. J. Philip Stohr, Director
Division of Radiation Safety and Safeguards
U.S. Nuclear Regulatory Commission
Region II
101 Marietta Street, NW
Atlanta GA 30323

Ref(1): Report No. 45-06177-04/86-01

Dear Mr. Stohr:

Pursuant to the Notice of Violation sent to me by your office on January 26, 1986 and the requirements of 10CFR2.201, I make reply as follows:

First, kindly refer to my letter of February 28, 1986 requesting additional time to make my response. I do apologize for the delay and I want to thank you for your patience.

Next, in the interests of clarity, it is more appropriate to respond to the identified violations in reverse order. Thus:

I. Relevant to identified violation (2):

- a.) I admit that I did not renew my license in a timely manner.
- b.) In early 1982, I moved from Virginia Beach, Virginia to Columbia, South Carolina taking with me all my scientific equipment including the radioactive materials then in my possession. At the time I moved, I was in possession only of Items 6A, 6B, and 6D in amounts less than the limits specified in Items 8A, 8B, and 8D of my license. These items were transported to South Carolina in accordance with relevant DoT regulations. Upon my arrival in South Carolina, I approached, at my earliest opportunity, the South Carolina Bureau of Radiological Health in order to obtain South Carolina licensure. Permission to retain the material was quickly granted to me and a South Carolina license was issued. In January 1983, when I left South Carolina for England, all material in my possession was physically located at a licensed address. Furthermore, I expected that my stay abroad would be a short one. When in February 1983, I realized that my absence would be prolonged, I telephoned Mr. Virgil Autry of South Carolina BRH to inform him that I would be in Great Britain for an extended time. He told me that the material which had been at my licensed address had been removed to storage by South Carolina Bureau of Radiological Health. I presumed at that point that my material was and would remain in safe storage. I fear that I also presumed that the issuance of a South Carolina license to me in 1982 would suffice to effectively inform the Nuclear Regulatory Commission of my change of address. That presumption was clearly erroneous.
- c.) Corrective steps have already been taken as follows:

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1) In December 1985, when I began work on the research in which I am currently engaged and I wanted to amend my license to reflect my newly planned program, I became aware that I had misplaced the file which contained my license as well as my copies of the associated application (NRC-313), supporting documentation and pertinent correspondence. At that time I was aware that my license would expire sometime towards the end of 1985 or the beginning of 1986, but I was not certain of the exact date of expiry. Consequently, during the third week of December, I telephoned Region II to find out the date of expiration and get a copy of my license. By December 26, 1985 I found myself in telephone contact with Mr. Barr of Region II. During the course of our telephone conversations, I of course told Mr. Barr of my current address and confirmed this by mailgram, a copy of which is attached.

d) Corrective steps to prevent recurrence of the violations have already been taken. The occurrence was, in the first instance, inadvertent and due to a series of erroneous perceptions of the regulations. This failure of understanding has been repaired. Similarly, the circumstances surrounding the violation were unique. I travelled to England in early 1983 at very short notice in an attempt to repair a failing marriage -- my former wife being a British subject. It is most unlikely that similar circumstances will arise again.

II. Relevant to identified violation (1)

a) I admit that I did not renew my license in a timely manner.

b) As remarked in paragraph I(c) above, when I found that I had misplaced my license file I telephoned Region II to determine the exact expiration date of my license. Mr. Barr told me that my license was due to expire on December 31, 1985 and, consequently, that my request for renewal and amendment could not be considered timely. He told me, however, that the Commission could grant me a thirty day extension if I sent them a prompt mailgram so requesting, following which Region II would send me a copy of my license together with a set of forms NRC-313 for the purpose of renewal application. I sent such a mailgram that day and I attach a copy of it for your perusal. Before the thirty day period had expired, I received a letter from Mr. Barr in reply to my mailgram saying that the Commission considered my license to have expired on December 31, 1985 since my application for renewal was not timely. On January 30, 1986 I received the Notice of Violation to which I now reply.

c) Corrective steps have already been taken. I have made application to the Radiologic Health Branch of the California Department of Health Services for the issuance of a California Radioactive Materials License and I am preparing forms NRC-313 to apply for a new NRC Materials License as suggested by Mr. Barr.

d) Corrective steps to avoid recurrence of the violation have already been taken. The failure of understanding of the regulations as they applied to these procedural actions has been repaired. The violation was inadvertent and procedural rather than substantive. I intend to maintain my residence and domicile once again in California, and the domestic circumstances which

gave rise to the entire fiasco are exceedingly unlikely to recur. As to the other issues raised under identified violation (1), it was never my intention not to renew my application. The material actually in my possession in 1982 in South Carolina was not in my possession in 1985 (see paragraph 1(b) above). Indeed, at the time of my telephone call to Mr. Barr I was not in possession of any radioactive material at all. This concludes my reply to the referenced Notice of Violation.

Thank you for your kind attention.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Stuart Lee Adelman', with a stylized flourish at the end.

Stuart Lee Adelman, Ph.D. (Cantab.)

Dr. S.L. Appleman
44 McAllister St
San Francisco CA 94102



MR. J. PHILIP STUMER, DIRECTOR
DIVISION OF RADIATION SAFETY & SURVEILLANCE
US Nuclear Regulatory Commission
Region II
101 Marietta Street NW
Atlanta GA 30323

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NO. 446312

☐ HOLD

DATE

1ST NOTICE

2ND NOTICE

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Detached from
PS Form 3849-A
Oct. 1980

