

February 3, 1998

EA No. 98-007

Docket No. 150-00031

License No. New York Licensee

Theodore E. Rahon, Ph.D.  
Radiation Safety Officer  
CoPhysics Corporation  
33 Crystal Run Road  
Middletown, New York 10940

SUBJECT: INSPECTION NO. 150-00031/97-004 AND  
EXERCISE OF ENFORCEMENT DISCRETION

Dear Dr. Rahon:

On October 29, 1997, Judith Joustra, Sheri Arredondo, and Dr. Mohamed Shambaky of this office responded to a tritium contamination event at the Arthur Brisbane Child Treatment Center in Farmingdale, New Jersey. The NRC response consisted of inspection of initial response efforts, discussions with representatives from the State of New Jersey Departments of Human Services, and Environmental Protection, as well as CoPhysics, and Envirogenics, and performance of initial wipe test surveys. During this event the NRC determined that CoPhysics had been contracted by Envirogenics who in turn had been contracted by the New Jersey Department of Human Services to perform decontamination activities at the Brisbane facility.

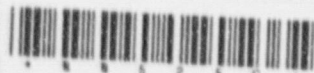
Based on the results of this event and subsequent telephone discussions between you and Ms. Joustra of this office, it appears that your activities were not conducted in full compliance with NRC requirements. A violation of 10 CFR 150.20 occurred in that you failed to file for reciprocity prior to conducting licensed activities under your New York State license while in NRC jurisdiction (the Brisbane facility).

A violation of NRC requirements for failing to file for reciprocity could be considered for escalated enforcement and subject to a civil penalty. However, after consultation with the Director, Office of Enforcement, I have been authorized to not issue a Notice of Violation and not propose a civil penalty in this case in accordance with Section VII.B.6 of the "General Statement of Policy and Procedures for NRC Enforcement Actions," (Enforcement Policy), NUREG 1600, based on the circumstances involved.

However, a failure to file for reciprocity in the future will be subject to enforcement action. We note for your information that, where you have been retained to perform licensed activities in NRC jurisdiction and are unable to provide the three day notice required by 10 CFR 150.20, you may seek telephone authorization to proceed from the Regional Administrator of the NRC Region I Office, and then make the appropriate written filing within three days.

030051

OFFICIAL RECORD COPY



RETURN ORIGINAL TO  
REGION I

1E:07

9802100013 980203  
PDR STPRG ESGNY PDR

T. E. Rahon, Ph.D.

-3-

You are not required to respond to this letter.

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 will be placed in the Public Document Room (PDR).

Your cooperation with us is appreciated.

Sincerely,

ORIGINAL SIGNED BY:

*William L. Atelson*

*fd*

Hubert J. Miller  
Regional Administrator

Docket No. 150-00031  
License No. New York Licensee

cc:  
State of New York  
State of New Jersey



T. E. Rahon, Ph.D.

-3-

Distribution:

PUBLIC

Nuclear Safety Information Center (NSIC)

Region I Docket Room (w/concurrences)

D. J. Holody, RI

C. Buracker, RI

DOCUMENT NAME: R:\WPS\MISC\COPHY

To receive a copy of this document, indicate in the box: "C" = Copy w/o attach/encl "E" = Copy w/ attach/encl "N" = No copy

OFFICE	DNMS/RI	N	DNMS/RI	DNMS/RI	EO
NAME	JJoustra		Johansen	RBlough	DHolody
DATE	01/18/98		01/20/98	01/21/98	02/2/98

OFFICE	OE						
NAME	JLIEBERMAN						
DATE	01/30/98		01/2/98	01/2/98	01/ /98	01/ /98	01/ /98

OFFICIAL RECORD COPY