

July 21, 2006

Robert M. Zerr, Director
Risk Management and Safety Office
University of Notre Dame
636 Grace Hall
Notre Dame, IN 46556-1612

SUBJECT: NRC INSPECTION REPORT NUMBER 99990003/06-003(DNMS)

Dear Mr. Zerr:

This refers to your letter dated June 27, 2006, stating that on July 29, 2005, the University of Notre Dame transferred a gas chromatograph containing a 15 millicurie nickel (Ni)-63 source, generally licensed in accordance with 10 CFR Part 31.5 to Elf Analytical Services. The device was subsequently transferred to Alpha Environmental located in Jersey City, New Jersey, who was authorized to possess the device. Your letter also stated that the University of Notre Dame notified the device manufacturer regarding the transfer of the device. Finally, your letter indicated that corrective actions included advising all university investigators using such devices to notify the University Risk Management and Safety Office prior to any change in location.

Based on a review of your letter and the Nuclear Regulatory Commission's (NRC) license tracking system, we have determined that a severity level IV violation of 10 CFR Part 31.5(c)(8)(i) occurred. The violation occurred because the University of Notre Dame transferred a general licensed Ni-63 source to Elf Analytical Services located in Hazlet, New Jersey, who was not authorized to receive the device. Since the University of Notre Dame identified this violation and took appropriate corrective action, the NRC is treating this violation as a Non-Cited Violation (NCV) consistent with Section VI.A.8. of the NRC Enforcement Policy.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

/RA/
John R. Madera, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 99990003
General License 10CFR 31.5

See attached Distribution

Letter to Robert M. Zerr from John M. Madera dated July 27, 2006

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