

August 27, 2009

Mr. James Lyphout
Vice President of Business Operations
University of Notre Dame du Lac
415 Main Building
University of Notre Dame
Notre Dame, Indiana 46556

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 030-00694/09-01(DNMS) AND
NOTICE OF VIOLATION – UNIVERSITY OF NOTRE DAME DU LAC

Dear Mr. Lyphout:

This refers to the routine inspection conducted on August 4-6, 2009, at the University of Notre Dame Du Lac facilities in Notre Dame, Indiana. The inspection findings were discussed with Amy Coughlin, Robert Zerr and Andrew Welding of your staff during an exit meeting on August 6, 2009.

This inspection was an examination of activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on the results of the inspection, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforcement-pol.html>. The violation is cited in the enclosed Notice of Violation (Notice). The violation is being cited in the Notice because it was identified by the NRC.

The violation involved the licensee's failure to ensure two containers, each containing licensed material, possessed a durable, clearly visible label bearing the words "CAUTION, RADIOACTIVE MATERIAL," or "DANGER, RADIOACTIVE MATERIAL" and also provided sufficient information (such as the radionuclide(s) present, an estimate of the quantity of radioactivity, the date for which the activity is estimated, etc.) to permit individuals handling or using the containers, or working in the vicinity of the containers to take precautions to avoid or minimize exposures in accordance with Title 10 Code of Federal Regulations (CFR) 20.1904(a). The licensee's immediate corrective actions included the placement of a temporary paper label on each device which contained all appropriate information. The licensee committed to placing a more durable label containing all the appropriate information within 30 days and to periodically check to ensure the labels are securely fixed to the gauges.

J. Lyphout

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The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed on the docket in this letter. Therefore, you are not required to respond to this letter unless the description in this letter does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should clearly mark your response as a "Reply to a Violation in Inspection Report 030 00694/09 01(DNMS)," and send it to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with copies to: (1) the Regional Administrator and the Enforcement Officer, Region III; and (2) the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if applicable, will be made available electronically for public inspection 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/readingrm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

We will gladly discuss any questions you have concerning this inspection.

Sincerely,

/RA/

Tamara Bloomer, Chief
Materials Inspection Branch

Docket No. 030-00694
License No. 13-01983-15

Enclosure:
Notice of Violation

cc (w encl): Robert Zerr, Radiation Safety Officer
State of Indiana

J. Lyphout

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The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence is already adequately addressed on the docket in this letter. Therefore, you are not required to respond to this letter unless the description in this letter does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should clearly mark your response as a "Reply to a Violation in Inspection Report 030 00694/09 01(DNMS)," and send it to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with copies to: (1) the Regional Administrator and the Enforcement Officer, Region III; and (2) the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

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We will gladly discuss any questions you have concerning this inspection.

Sincerely,

/RA/

Tamara Bloomer, Chief
Materials Inspection Branch

Docket No. 030-00694
License No. 13-01983-15

Enclosure:
Notice of Violation

cc (w encl): Robert Zerr, Radiation Safety Officer
State of Indiana

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NOTICE OF VIOLATION

University of Notre Dame du Lac
Notre Dame, Indiana

Docket No. 030-00694
License No. 13-01983-15

During an NRC inspection conducted on August 4-6, 2009, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 20.1904(a) requires licensees to ensure that each container of licensed material bears a durable, clearly visible label bearing the words "CAUTION, RADIOACTIVE MATERIAL," or "DANGER, RADIOACTIVE MATERIAL." The label must also provide sufficient information (such as the radionuclide(s) present, an estimate of the quantity of radioactivity, the date for which the activity is estimated, etc.) to permit individuals handling or using the containers, or working in the vicinity of the containers, to take precautions to avoid or minimize exposures.

Contrary to the above, on August 6, 2009, two containers each containing a nominal 2 millicuries of radium-226 did not bear a label that identified the radionuclide or the quantity of radioactivity, nor did it otherwise bear sufficient information to permit individuals handling or using the container, or working in the vicinity of the container, to take precautions to avoid or minimize exposure.

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

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to be taken to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed in the letter transmitting this Notice of Violation. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, Inspection Report No. 030-00694/09-01(DNMS)," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator and the Enforcement Officer, Region III, within 30 days of the date of the letter transmitting this Notice.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

If you choose to respond, your response will be made available electronically for public inspection 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>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 27th day of August 2009

Enclosure