

December 16, 2010

Hsiao-Ping Moore, Dean
College of Arts and Sciences
Lawrence Technological University
21000 West Ten Mile Road
Southfield, Michigan 48075-1058

SUBJECT: NRC INSPECTION REPORT NO. 030-35325/10-01(DNMS) AND NOTICE OF VIOLATION – LAWRENCE TECHNOLOGICAL UNIVERSITY

Dear Dean Moore:

On October 13, 2010, a U.S. Nuclear Regulatory Commission (NRC) inspector conducted an inspection at your Southfield, Michigan facility, with continued NRC in-office review through November 24, 2010. The NRC in-office review included discussion of your proposed disposal of radioactive materials. On November 24, 2010, Andrew Bramnik of my staff conducted a telephone exit meeting with you and Dr. Anthony Sky of your staff, to discuss the inspection findings.

During this inspection, the NRC staff examined activities conducted under your license related to public health and safety. Additionally, the staff examined your compliance with the conditions of your license as well as the Commission's rules and regulations. 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 this inspection, the NRC has determined that three Severity Level IV violations of NRC requirements occurred. The violations were 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/enforce-pol.html>. The three violations involved the failure to: (1) amend NRC License No. 21-32239-01 to assign a new Radiation Safety Officer (RSO) following the previous RSO's departure; (2) test byproduct material possessed in a device pursuant to a general license for leakage of radioactive materials at required intervals; and (3) comply with requirements to not hold generally licensed devices that are not in use for longer than 2 years. The violations are being cited because they were identified by the NRC. The potential corrective actions to address the above violations were discussed between your staff and members of the NRC staff during the site inspection and via telephone.

The violations are cited in the enclosed Notice of Violation (Notice). You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The guidance in NRC Information Notice 96-28, "Suggested

Guidance Relating to Development and Implementation of Corrective Action," may be helpful. You can find the information notice on the NRC website at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

The NRC staff also identified one Open Item for additional review. The Open Item involved a possible failure to confine your possession of byproduct materials to the purposes authorized by your NRC license. Specifically, the NRC identified possible radioactive contamination and a bin containing unknown radioactive materials in your Nuclear Laboratory room. In addition to responding to the violations described in the enclosed Notice, please also provide information regarding the actions you have taken or will take to identify and dispose of these materials, with an expected date when these actions will be complete.

In accordance with Title 10 of the Code of Federal Regulations (CFR) Part 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/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 E. Bloomer, Chief
Materials Inspection Branch

Docket No. 030-35325
License No. 21-32239-01

Enclosure:
Notice of Violation

cc w/encl: Dr. Anthony Sky, Chairman
Department of Natural Sciences
State of Michigan

H. Moore

-2-

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Tamara E. Bloomer, Chief
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Docket No. 030-35325
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Enclosure:
Notice of Violation

cc w/ encl: Dr. Anthony Sky, Chairman
Department of Natural Sciences,
State of Michigan

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OFFICE	RIII DNMS		RIII DNMS		RIII		RIII	
NAME	AMBramnik TEB for		TEBloomer TEB					
DATE	12/16/10		12/16/10					

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NOTICE OF VIOLATION

Lawrence Technological University
Southfield, Michigan

Docket No. 030-35325
License No. 21-32239-01

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted October 13, 2010, with continued NRC in-office review through November 24, 2010, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Condition 11.B of NRC License No. 21-32239-01 authorized a specifically named individual to fulfill the duties and responsibilities of the Radiation Safety Officer (RSO) for the license.

Contrary to the above, between June 28, 2004, and November 24, 2010, an individual, specifically authorized by Condition 11.B of the license to fulfill the duties and responsibilities as RSO, was no longer employed by the licensee and did not fulfill the duties and responsibilities as RSO. Specifically, the licensee failed to amend their license to assign a new RSO for approximately 6 years following the previous RSO's departure.

This is a Severity Level IV violation (Section 6.3.d.8).

- B. Title 10 of the Code of Federal Regulations (CFR) Part 31.5(c)(2) requires, with the exception of the devices listed in subparagraphs (i) and (ii), that any person who acquires, receives, possesses, uses, or transfers byproduct material in a device pursuant to a general license shall assure that the device is tested for leakage of radioactive material at no longer than 6 month intervals or at such other intervals as are specified in the label.

Contrary to the above, the licensee did not test a Perkin-Elmer Corporation Model No. N610-0133 electron capture detector containing a nominal 15 millicuries of nickel-63, which is not subject to the exemptions in subparagraphs (i) and (ii), for leakage of radioactive material between March 23, 2005 and October 19, 2010, an interval greater than the interval specified in the regulation.

This is a Severity Level IV violation (Section 6.7.d.4)

- C. Title 10 CFR 31.5(c)(15) states, in part, that any person who acquires, receives, possesses, uses or transfers byproduct material in a device pursuant to a general license may not hold devices that are not in use for longer than 2 years. The testing required by paragraph (c)(2) of this section need not be performed during the period of storage only. However, when devices are put back into service or transferred to another person, and have not been tested within the required test interval, they must be tested for leakage before use or transfer. Devices kept in standby for future use are excluded from the 2-year time limit if the general licensee performs quarterly physical inventories of these devices while they are in standby.

Enclosure

Contrary to the above, the licensee held a generally licensed Hewlett-Packard Model No. G1223A electron capture detector containing a nominal 15 millicuries of nickel-63 in storage between approximately 2004 and November 19, 2010, an interval greater than 2 years, and the licensee did not perform quarterly physical inventories of this device while in standby.

This is a Severity Level IV violation (Section 6.3.d.3)

Pursuant to the provisions of 10 CFR 2.201, Lawrence Technological University is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator, Region III, 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 or severity level, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to 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.

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, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/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. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within 2 working days.

Dated this 16th day of December 2010.

Enclosure