

October 26, 2012

Mr. James J. Carroll, III, Associate Provost
Eastern Michigan University
106 Welch Hall
Ypsilanti, Michigan 48197

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03000818/12001(DNMS) AND
NOTICE OF VIOLATION – EASTERN MICHIGAN UNIVERSITY

Dear Mr. Carroll:

On September 17 and 18, 2012, a U.S. Nuclear Regulatory Commission (NRC) inspector conducted a routine inspection at your campus in Ypsilanti, Michigan, with continued in-office review through October 18, 2012. The in-office review included the receipt and review of an inventory of your radioactive sources. A final exit meeting was held between Mr. Andrew Bramnik of my staff and Dr. Steven Francoeur of your staff by telephone on October 18, 2012.

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 Commission's rules and regulations as well as 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 this inspection, the NRC has determined that a 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/enforce-pol.html>. The violation concerned the failure to prepare an annual summary of radiation-related matters on the Eastern Michigan University (EMU) campus, as required by Item 10.2 of your Application dated October 20, 2011. The violation is cited in the enclosed Notice of Violation (Notice). The NRC is citing the violation in the Notice because the inspector identified the violation.

Your staff's misunderstanding about the annual summary requirement was the root cause of the violation. Specifically, your Radiation Safety Officer (RSO) informed the inspector that he believed minutes of the Radiation Safety Committee (RSC) meetings were sufficient to fulfill this requirement. As corrective actions, the RSO will conduct an audit of the radiation protection program at EMU and will prepare an annual summary as required. The RSO stated his intent to complete the summary by October 31, 2012, and submit it to members of the RSC via email. The RSO also committed to create a schedule of radiation protection program requirements, such as the annual summary, by October 31, 2012.

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, and the date when full compliance will be achieved is already adequately addressed on the docket in this letter. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to

provide additional information, you should follow the instructions specified in the enclosed Notice.

Based on the results of this inspection, the NRC has also determined that an additional Severity Level IV violation of NRC requirements occurred. This violation is being treated as a Non-Cited Violation (NCV), consistent with Section 2.3.2 of the Enforcement Policy because the licensee identified the violation, the licensee corrected the violation, the violation was not repetitive, and the violation was not willful. The NCV involved the failure to conduct a physical inventory every 6 months to account for all sources and/or devices received and possessed under the license, as required by Condition 15 of your NRC license. Your corrective actions were described in detail in your letter to the NRC dated October 5, 2012, and were reviewed by the inspector.

If you contest the violation or significance of the NCV, you should provide a response within 30 days of the date of this inspection report, with the basis for your denial, to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001, with copies to: (1) the Regional Administrator, Region III; and (2) the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

In accordance with Title 10 of the Code of Federal Regulations (CFR) 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC 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.

Please feel free to contact Mr. Andrew Bramnik of my staff if you have any questions regarding this inspection. You can reach Mr. Bramnik at 630-829-9543.

Sincerely,

/RA/

Tamara E. Bloomer, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-00818
License No. 21-06885-01

Enclosure:
Notice of Violation

cc w/encl: State of Michigan
Steven N. Francoeur, Ph.D,
Radiation Safety Officer

provide additional information, you should follow the instructions specified in the enclosed Notice.

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Sincerely,

/RA/

Tamara E. Bloomer, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-00818
License No. 21-06885-01

Enclosure:
Notice of Violation

cc w/encl: State of Michigan
Steven N. Francoeur, Ph.D,
Radiation Safety Officer

DISTRIBUTION:

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*see previous concurrence

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OFFICE	RIII		RIII		RIII		RIII
NAME	AMBramnik:ps*AMB		TEBloomer*TEB				
DATE	10/25/12		10/26/12		Click here to enter a date.		Click here to enter a date.

NOTICE OF VIOLATION

Eastern Michigan University
Ypsilanti, Michigan

Docket No. 030-00818
License No. 21-06885-01

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on September 17 and 18, 2012, with continuing in-office review through October 18, 2012, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Condition 22 of NRC License No. 21-06885-01 states, in part, that the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the Application dated October 20, 2011.

Item 10.2 of the Application dated October 20, 2011 states, in part, that the Radiation Safety Officer (RSO) prepares an annual summary of radiation-related matter on EMU campus (e.g. information on reports submitted to various agencies, waste disposal information etc.) and submits to members of the committee via email.

Contrary to the above, as of September 18, 2012, the licensee failed to prepare and submit to the members of the committee an annual summary of radiation-related matters on the Eastern Michigan University campus covering calendar year 2011, which was due by January 31, 2012. Specifically, the RSO had not prepared an annual summary since January 31, 2011.

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

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, and the date when full compliance will be achieved, is already adequately addressed on the docket in the letter transmitting this Notice of Violation (Notice). However, you are required to submit a written statement or explanation pursuant to Title 10 of the Code of Federal Regulations (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, IR 03000818/12001(DNMS)," and send it 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.

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 Agencywide Documents Access and Management 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 of receipt.

Dated this 26th day of October 2012.

Enclosure