



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION I  
2100 RENAISSANCE BOULEVARD, SUITE 100  
KING OF PRUSSIA, PENNSYLVANIA 19406-2713

August 21, 2013

Docket No. 03020775

License No. 19-23344-01

Charles L. Rice, M.D.  
President  
Uniformed Services University of the Health Sciences  
4301 Jones Bridge Road  
Bethesda, MD 20814-4712

SUBJECT: NRC INSPECTION REPORT NO. 03020775/2013001, UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES, BETHESDA, MARYLAND SITE AND THE ROCKVILLE, MARYLAND SITE, AND NOTICE OF VIOLATION

Dear Dr. Rice:

On August 12, 2013, Dennis Lawyer of this office conducted a safety inspection at the above address and 1530 East Jefferson Street, Rockville, Maryland of activities authorized by the above listed NRC license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selective examination of representative records. Additional information provided in your correspondence dated August 15 and 19, 2013, and the telephone conversation on August 19, 2013, between MAJ Jama D. VanHorne-Sealy of your organization and this office were also examined as part of the inspection. The findings of the inspection were discussed with MAJ Jama D. VanHorne-Sealy of your organization at the conclusion of the inspection.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. The violation involved the failure to perform an updated decommissioning funding plan cost estimate at least every three years.

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 is cited in the enclosed Notice of Violation (Notice), because the violation was identified by the NRC.

During our inspection exit meeting on August, 19, 2013, you indicated that this was a misunderstanding of the requirements. You stated that you will take corrective and preventative actions to address each violation and that Uniformed Services University of the Health Sciences is committed to radiation safety and to compliance with NRC regulations and licensed conditions.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. For your consideration and convenience, an excerpt from NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," is enclosed. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC website 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.

Current NRC regulations and guidance are included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

Please contact Dennis Lawyer at 610-337-5366 if you have any questions regarding this matter.

Sincerely,

***Original signed by Judith A. Joustra***

Judith A. Joustra, Chief  
Commercial and R&D Branch  
Division of Nuclear Materials Safety

Enclosures:  
Notice of Violation  
NRC Information Notice 96-28

cc: Jama D. VanHorne-Sealy, Radiation Safety Officer  
State of Maryland

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Sincerely,  
**Original signed by Judith A. Joustra**  
 Judith A. Joustra, Chief  
 Commercial and R&D Branch  
 Division of Nuclear Materials Safety

Enclosures:

Notice of Violation

NRC Information Notice 96-28

cc: Jama D. VanHorne-Sealy, Radiation Safety Officer, State of Maryland

Distribution: D. J. Holody, RI

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**SUNSI Review Complete:** DLawyer

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OFFICE	DNMS/RI	N	DNMS/RI	DNMS/RI		
NAME	DLawyer\dl		JJoustra\jaj			
DATE	8/21/2013		08/21/2013			



## NOTICE OF VIOLATION

Uniformed Services University of the  
Health Sciences  
Bethesda, MD

Docket No. 03020775  
License No. 19-23344-01

During an NRC inspection conducted on August 12, 2013, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 30.35(e) requires, in part, that each decommissioning funding plan must contain a cost estimate for decommissioning and a description of the method of assuring funds for decommissioning from paragraph (f) of this section, including means for adjusting cost estimates and associated funding levels periodically over the life of the facility. Cost estimates must be adjusted at intervals not to exceed 3 years. (2008)

Contrary to the above as of August 12, 2013, the licensee did not adjust cost estimates periodically over the life of the facility at intervals not to exceed 3 years. Specifically the licensee last performed a cost estimate on July 18, 2005, a period greater than 3 years.

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

Pursuant to the provisions of 10 CFR 2.201, Uniformed Services University of the Health Sciences is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I, 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, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, 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 to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Notice of Violation  
Uniformed Services University of the  
Health Sciences

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

Dated This 21 day of August 2013