

 **HOPE COLLEGE**

To: U.S. Regulatory Commission  
From: Radiation Safety Officer  
Date: August 16, 2016  
Subject: Reply to a Notice of Violation Report # 03029444/2016001

Reference: US NRC Letter dated August 8, 2016 and received August 12, 2016  
U.S. NRC Inspection Report # 03029444/2016001

**NOTICE OF VIOLATION 03029444/2016001**

Title 10 of the *Code of Federal Regulations* (CFR) 30.36(d) requires, in part, that licensees provide notification to the NRC in writing within 60 days of any of the following occurrences:

- (1) The license has expired;
- (2) The licensee has decided to permanently cease principal activities at the entire site or in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with NRC requirements;
- (3) No principal activities under the license have been conducted for a period of 24 Months; or
- (4) No principal activities have been conducted for a period of 24 months in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with NRC requirements.

Contrary to the above, as of June 23, 2016, the licensee failed to notify the NRC in writing within 60 days of no principal activities under the license being conducted in a separate building that contained residual radioactivity for a period of 24 months. Specifically, the licensee had not conducted principal activities in the building located at 35 E. 12<sup>th</sup> Street, under NRC License No. 21-13583-01 from April 6, 2013 through June 23, 2016, a period greater than 24 months, and the licensee did not notify the NRC as required.

**REPLY TO NOTICE OF VIOLATION 03029444/2016001****Reason for Violation**

Hope College and more specifically David Daugherty Radiation Safety Officer at Hope College had a lack of understanding of the requirement of 10 CFR 30.36(d).

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### **Corrective Steps Taken**

On July 13, 2016 Hope College Radiation Safety Committee held a meeting to discuss the future use of the radio-isotope room in Schaap Science Center. Dr Chase-Waller proposed a use plan for the room. She plans to use the radiation room beginning this fall (2016) to perform uptake assays to assess effects of mutations in System xc- on cystine transport activity. Dr Chase will also be implementing this type of lab into the Neurochemistry and Disease course. In addition to her planned use of the radiation room this coming fall, she will be using this room for similar uptake assays with Neurochemistry and Disease students the spring of 2017. The plan is to make this lab exercise a permanent addition to the Neurochemistry lab course, therefore the room will be needed each year the course is offered. The room will likely continue to be used regularly (every few months) for the next 2-3 years for research and for continued screening of mutant transport systems.

### **Corrective Steps to Avoid Further Violation**

During the annual Radiation Safety Committee meeting Hope College will review the use plan of each user of the radio-isotope lab to ensure use and compliance of 10 CFR 30.36(d).

### **Date When Full Compliance will be Achieved**

Full compliance will be achieved during the fall of 2016.



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

REGION III  
2443 WARRENVILLE RD. SUITE 210  
LISLE, IL 60532-4352

August 8, 2016

Mr. David Daugherty  
Radiation Safety Officer  
Hope College Physics Department  
27 Grave Place  
Holland, MI 49423

**SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03029444/2016001(DNMS) AND  
NOTICE OF VIOLATION – HOPE COLLEGE PHYSICS DEPARTMENT**

Dear Mr. Daugherty:

On June 23, 2016, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection at your campus in Holland, MI. The purpose of the inspection was to review activities performed under your NRC license to ensure that activities were being performed in accordance with NRC requirements.

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. Mr. Ed Harvey of my staff conducted an exit meeting with you on-site, at which an NRC Form 591M was issued with no violations identified.

However, after further in-office review of this 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 website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-poi.html>. The violation concerned the licensee's failure to notify the NRC in writing within 60 days after no principal activities had been conducted under the license for a period of 24 months, as required by Title 10 of the *Code of Federal Regulations* (CFR) Part 30.36. 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.

The identification of this violation resulted in the retraction of the NRC Form 591M issued to you on June 23, 2016. Mr. Ed Harvey of my staff conducted a final exit meeting, by telephone, to discuss the inspection findings and to instruct you to disregard and destroy the NRC Form 591M on July 14, 2016. The reason the NRC Form 591M was retracted is because the results of the inspection were no longer accurately reflected on the Form.

The inspector determined that the root cause of the violation was a lack of understanding of the requirement. As corrective actions to restore compliance, you stated that you plan to resume principal activities within the building at 35 E. 12th Street, Holland, MI.

D. Daugherty

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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 useful in preparing your response. 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.

In accordance with 10 CFR 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's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's 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 publicly available without redaction.

Please feel free to contact Mr. Harvey of my staff if you have any questions regarding this inspection. Mr. Harvey can be reached at 630-829-9819.

Sincerely,

*Robert G. Hatton, Jr. for ATM*

Aaron T. McCraw, Chief  
Materials Inspection Branch  
Division of Nuclear Materials Safety

Docket No. 030-29444  
License No. 21-13583-01

Enclosure:  
Notice of Violation

cc w/encl: State of Michigan

## NOTICE OF VIOLATION

Hope College Physics Department  
Holland, MI

License No. 21-13583-01  
Docket No. 030-29444

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on June 23, 2016, with continued in-office review through July 14, 2016, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of the *Code of Federal Regulations* (CFR) 30.36(d) requires, in part, that licensees provide notification to the NRC in writing within 60 days of any of the following occurrences:

- (1) The license has expired;
- (2) The licensee has decided to permanently cease principal activities at the entire site or in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with NRC requirements;
- (3) No principal activities under the license have been conducted for a period of 24 Months; or
- (4) No principal activities have been conducted for a period of 24 months in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with NRC requirements.

Contrary to the above, as of June 23, 2016, the licensee failed to notify the NRC in writing within 60 days of no principal activities under the license being conducted in a separate building that contained residual radioactivity for a period of 24 months. Specifically, the licensee had not conducted principal activities in the building located at 35 E. 12<sup>th</sup> Street, under NRC License No. 21-13583-01 from April 6, 2013 through June 23, 2016, a period greater than 24 months, and the licensee did not notify the NRC as required.

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

Pursuant to the provisions of CFR 2.201, Hope College Physics Department 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: (1) the reason for the violation, or, if contested, the basis for disputing the violation or its 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 previously 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.

Enclosure

Notice of Violation

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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's website 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.

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.

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

Dated this 8<sup>th</sup> day of August, 2016.