



UNITED STATES
NUCLEAR REGULATORY COMMISSION

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

MAY 19 2017

Valeriia Starovoitova, Ph.D.
Radiation Safety Officer
Niowave, Inc.
1012 North Walnut Street
Lansing, MI 48906-5061

Dear Dr. Starovoitova:

Enclosed is Amendment No. 04 to your NRC Material License No. 21-35144-02 in accordance with your request.

Based on the information provided by you and your supplier to the U.S. Nuclear Regulatory Commission (NRC) via telephone on May 8, 2017, the NRC has determined that one violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC's Enforcement Policy. The current Enforcement Policy can be found on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation, which you identified, concerned the possession of a 19.44 microcurie (μCi) californium-252 (Cf-252) calibration source that exceeded the licensed possession limit of 16.16 μCi for Cf-252, in Item 8.U. of Amendment No. 03 to NRC Materials License No. 21-35144-02.

The NRC has determined that the possession of this source, which exceeded the possession limit by approximately 3.28 μCi but was authorized in all other respects, was of minimal safety significance. Therefore, in accordance with the Enforcement Policy, the NRC has determined that this is a minor violation of the license (Item 8.U.).

The NRC determined that the root cause of the violation was an oversight by your supplier. As corrective action to restore compliance, on May 9, 2017, you submitted a request to revise the relevant possession limit to 20 μCi . As corrective action to prevent a similar violation, you committed to ensure that any future possession limit requests will exceed (within reasonable justification) the upper bound of the quoted amount of radioactive material that you intend to order and are allowed by the Sealed Sources and Devices Registry (SSDR).

The NRC has concluded that the 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 and in your amendment request. Therefore, you are not required to respond to this letter regarding the violation unless the description herein does not accurately reflect your corrective actions or your position.

Please review the enclosed document carefully and be sure that you understand all conditions. If there are any errors or questions, please notify the U.S. Nuclear Regulatory Commission, Region III office at (630) 829-9887 so that we can provide appropriate corrections and answers.

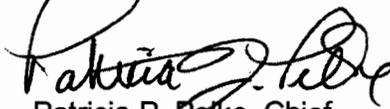
You will be periodically inspected by NRC. Failure to conduct your program in accordance with

NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC will result in enforcement action against you. This could include issuance of a notice of violation, or imposition of a civil penalty, or an order suspending, modifying or revoking your license as specified in the General Statement of Policy and Procedure for NRC Enforcement Actions. Since serious consequences to employees and the public can result from failure to comply with NRC requirements, prompt and vigorous enforcement action will be taken when dealing with licensees who do not achieve the necessary meticulous attention to detail and the high standard of compliance which NRC expects of its licensees.

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.

In accordance with Title 10 Code of Federal Regulations 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be 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>.

Sincerely,



Patricia P. Pelke, Chief
Materials Licensing Branch

License No. 21-35144-02
Docket No. 030-38770

Enclosure: Amendment No. 04