



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

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

June 19, 2017

Mr. Mark Mahone, Chancellor
University of Wisconsin-Milwaukee
Radiation Safety Program
Post Office Box 413
Milwaukee, WI 53201

**SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03001160/2017001(DNMS) AND
NOTICE OF VIOLATION – UNIVERSITY OF WISCONSIN-MILWAUKEE**

Dear Mr. Mahone:

On May 30, 2017, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection at your Milwaukee, Wisconsin campus, with continued in-office review through June 12, 2017. 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. The in-office review included a review of documents regarding the credentials of individuals who served as the radiation safety officer (RSO) after the individual who was named on your license as the radiation safety officer retired. Mr. Robert Gattone of my staff conducted a final exit meeting by telephone with Ms. Kim Axtman of your staff on June 12, 2017, 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 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, and interviews with personnel.

Based on the results of this inspection, the NRC has determined that two 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 website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violations concerned the licensee's failure to: (1) have the individual listed in Condition 12 of NRC License No. 48-09944-01 perform the duties and functions of RSO for your licensed activities; and (2) notify the NRC in writing within 60 days of when principal activities had not been conducted for a period of 24 consecutive months, as required by Title 10 of the *Code of Federal Regulations* (CFR) Section 30.36(d)(3). The violations are cited in the enclosed Notice of Violation (Notice). The NRC is citing the violations in the enclosed Notice because the inspector identified the violations.

The inspector determined that the cause of the violations was licensee oversight. The licensee had amended its State of Wisconsin license for two qualified individuals that subsequently served as RSO, but failed to request the same action on its NRC license, due in part to the fact that the licensee had not conducted principal activities under the NRC license since July 2003. On May 24, 2017, the licensee submitted a request to terminate the NRC license. The NRC

views this request to terminate the NRC license as a sufficient corrective action to restore compliance and to prevent recurrence.

The NRC has concluded that information regarding the reason for the violations are 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 position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 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'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. Gattone if you have any questions regarding this inspection. Mr. Gattone can be reached at 630-829-9823.

Sincerely,

/RA/

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

Docket No. 030-01160
License No. 48-09944-01

Enclosure:
Notice of Violation

cc w/encl: Kim Axtman, RSO
State of Wisconsin

Letter to Mark Mahone from Aaron McCraw dated June 19, 2017

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03001160/2017001(DNMS) AND
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OFFICE	RIII-DNMS		RIII-DNMS		RIII		RIII	
NAME	RGattone:ps		AMcCraw					
DATE	6/19/2017		6/19/2017					

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

University of Wisconsin-Milwaukee
Milwaukee, Wisconsin

License No. 48-09944-01
Docket No. 030-01160

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on May 30, 2017, with continued in-office review through June 12, 2017, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Condition 12 of Amendment No. 40 of NRC License No. 48-09944-01 (license) requires that a named individual is the radiation safety officer (RSO) for the license.

Contrary to the above, between September 6, 2016, and May 24, 2017, the named individual, specifically authorized by Condition 12.A. 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 of the RSO. Specifically, the RSO retired on September 6, 2016; since that time, the licensee had appointed other qualified individuals to fulfill the duties and responsibilities of the RSO, but failed to request an amendment to the NRC license until the licensee submitted a license termination request on May 24, 2017.

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

- B. Title 10 of the *Code of Federal Regulations* (CFR) 30.36(d)(3) states, in part, that within 60 days of when no principal activities under the license have been conducted for a period of 24 months, consistent with the administrative directions in § 30.6, each licensee shall provide notification to the NRC in writing of such occurrence.

Contrary to the above, as of May 24, 2017, the licensee did not provide written notification to the NRC within 60 days of when no principal activities under the license have been conducted for a period of 24 months. Specifically, the licensee had not conducted principal activities under the license since July 2003.

This is a Severity Level IV violation (Section 6.9.d.).

The NRC has concluded that information regarding the reason for the violations are already adequately addressed on the docket in the letter transmitting this Notice of Violation. On May 24, 2017, the licensee submitted a request to terminate the NRC license. As such, the NRC does not require the licensee to respond to the violations or take corrective actions to restore compliance and to prevent recurrence. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, IR 03001160/2017001(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 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.

If you choose to respond, 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.

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

Dated this 19th day of June, 2017.