



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

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

July 6, 2017

Philip R. Cunningham, Ph.D.
Associate Vice-President for Research
Wayne State University
Office of the Vice President for Research/Compliance
5057 Woodward Ave., Suite 6304
Detroit, MI 48202

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03001995/2017001(DNMS) AND
NOTICE OF VIOLATION – WAYNE STATE UNIVERSITY

Dear Dr. Cunningham:

On May 1-3, 2017, an inspector from the U.S. Nuclear Regulatory Commission (NRC), conducted a routine inspection at your campus in Detroit, Michigan, with continued in-office review through June 9, 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 additional information provided to the NRC by your radiation safety officer (RSO), Ms. Maha Srinivasan, M.S., and review and discussion of certain licensing requirements with NRC Region III Materials Licensing Branch staff. Mr. Dennis O'Dowd of my staff conducted a final exit meeting by telephone with Ms. Srinivasa; Mr. Robert W. Moon, M.S., CHIH, CHMM, Director, Office of Environmental Health and Safety; and you on June 9, 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, observations of activities, independent measurements, and interviews with personnel.

Based on the results 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-pol.html>. The violation concerned the licensee's failure to limit its possession and use of byproduct material to that authorized under a specific or general license, as required by Title 10 of the *Code of Federal Regulations* (CFR) Section 30.3. The violation is cited in the enclosed Notice of Violation (Notice). The NRC is citing the violation in the enclosed Notice because the inspector identified the violation.

The root cause of the violation was a misunderstanding by licensee staff, as well as the Radiation Safety Committee, believing that removal of sealed sources from generally licensed liquid scintillation counters and subsequent possession of those sources was authorized under the broadscope license. The licensee restored compliance when it disposed of the sealed sources it had removed from the generally licensed liquid scintillation counters on October 20, 2015. As corrective action to prevent recurrence, the licensee agreed to cease any activity involving the removal of sealed sources from generally licensed devices and committed to ensure that any such activity would only be conducted by the device manufacturer or a

service contractor specifically authorized for this activity until the licensee receives specific authorization from the NRC to perform such activities under its license. The licensee intends to pursue specific authorization for this activity, and is preparing a request for a license amendment.

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 was achieved is already adequately addressed 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.

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. O'Dowd if you have any questions regarding this inspection. Mr. O'Dowd can be reached at 630-829-9573.

Sincerely,

/RA/

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

Docket No. 030-01995
License No. 21-00741-08

Enclosure:
Notice of Violation

cc w/encl: State of Michigan
Maha Srinivasan, M.S.

Letter to Philip R. Cunningham, Ph.D. from Aaron McCraw dated July 6, 2017

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03001995/2017001(DNMS) AND
NOTICE OF VIOLATION – WAYNE STATE UNIVERSITY

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OFFICE	RIII-DNMS		RIII-DNMS		RIII		RIII	
NAME	DO'Dowd:ps		AMcCraw					
DATE	7/5/2017		7/6/2017					

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Wayne State University
Detroit, Michigan

License No. 21-00741-08
Docket No. 030-01995

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on May 1-3, 2017, with continued in-office review through June 9, 2017, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

- A. Title 10 of the *Code of Federal Regulations* (CFR) Section 30.3 states, in part, that except for persons exempted, no person shall manufacture, produce, transfer, receive, acquire, own, possess, or use byproduct material except as authorized in a specific or general license issued in accordance with the regulations in this chapter.

Items 6, 7, 8, and 9 of NRC Materials License No. 21-00741-08 (license) lists the radioactive material authorized in the license by radionuclide, chemical and/or physical form, the amount that may be possessed at any one time under the license, and the authorized use of the radioactive material.

Contrary to the above, on nineteen occasions between December 19, 2014, and September 4, 2015, the licensee failed to limit its possession and use of radioactive material to that authorized by its specific license. Specifically, during this period, the licensee removed sealed sources of various radionuclides (e.g., cesium-137, europium-152, barium-133, and radium-226), in quantities exceeding the exempt quantity limits specified in Sections 30.18 and 30.71, Schedule B, from generally licensed liquid scintillation counters (LSCs). The licensee did not have a specific license authorizing the makes and models of those sealed sources, the sources were not able to be possessed under a general license after removal from the devices, and the licensee was not exempt from licensing requirements for such sources.

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 was 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 10 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 03001995/2017001(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 6th day of July, 2017.