



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

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

November 21, 2017

EA-17-172
EN 52941
NMED No. 170417 (Closed)

Ms. Erica Huss
Acting Warden, Marquette Branch Prison
Michigan Department of Corrections
1960 US 41 South
Marquette, MI 49855

SUBJECT: NRC SPECIAL INSPECTION REPORT NO. 99990003/2017003 (DNMS)
MICHIGAN DEPARTMENT OF CORRECTIONS

Dear Ms. Huss:

On September 27, 2017, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted an in-office review of the circumstances surrounding the loss of material from a disassembled tritium (H-3) exit sign at the Marquette Branch Prison. The NRC initiated this review after the Michigan Department of Corrections contacted the NRC Operations Center on August 31, 2017, to report the loss of material from the H-3 exit sign, and followed that phone notification with a written report on September 26, 2017 (ML17310A198). Mr. Jason Draper of my staff presented the findings of this review to you via telephone on October 30, 2017.

During this in-office review, the NRC staff examined activities conducted under your general license related to public health and safety. Additionally, the staff examined your compliance with the Commission's rules and regulations. The in-office review consisted of interviews with personnel and examination of information provided by you to the NRC.

Based on the results of the in-office review and the information you provided, the NRC has determined that a 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 failure to properly dispose or transfer radioactive material from the generally licensed device, as required by Title 10 of the *Code of Federal Regulations* (CFR) 31.5(c)(8)(i). In your written report, you determined that the root cause of the violation was the disassembly of the device, removal of the material, and improper disposal of a portion of the H-3 material by an inmate with trustee status. You identified this root cause in a timely fashion and took immediate corrective action to remove the trustee status of the inmate and retrieve and properly transfer the remaining material to a specific licensee authorized to receive the material.

Because you identified the root cause of the violation and took timely and effective corrective actions, and because the violation was neither willful on the part of a licensee employee nor repetitive, this violation is being treated as a Noncited Violation (NCV), consistent with Section 2.3.2.b of the Enforcement Policy. 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 contest this action, you should provide your response, with the basis for your denial, to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region III, 2443 Warrenville Road, Suite 210, Lisle, IL 60532-4352.

In accordance with Title 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be 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>.

Please feel free to contact Mr. Draper if you have any questions regarding this correspondence. Mr. Draper can be reached at 630-829-9839.

Sincerely,

/RA/

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

Docket No. 999-90003
License No. General License

cc: State of Michigan

Letter to Erica Huss from Aaron McCraw dated November 21, 2017.

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