



UNITED STATES
NUCLEAR REGULATORY COMMISSION

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

MAR 08 2019

Daniel J. Phelan, Ph.D.
President/CEO
President's Office
Jackson Community College
2111 Emmons Rd.
Jackson, MI 49201

Dear Dr. Phelan:

This concerns an NRC Form 314, "Certification of Disposition of Materials," dated December 10, 2018, regarding your NRC License No. SNM-1171, and signed by your Radiation Safety Officer (RSO) Chris J. DeMarco. That certificate stated that the cobalt-60 sealed source listed on your radioactive materials license had been transferred to a licensee authorized for receipt of that source under a Colorado Department of Public Health & Environment Radioactive Materials License. That certificate – which also stated that the referenced radioactive materials license had expired – may be found at accession number ML18344A588 in the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Please note that your license has not expired, but was recently renewed to reflect a limited authorization for possession with intent to dispose. Your license will expire on December 31, 2019. Further, based on our review of information submitted in the referenced certificate, we have determined that the entity to which Mr. DeMarco had indicated you had transferred the referenced cobalt-60 sealed source is not authorized to receive that source, under its radioactive materials license. From Mr. DeMarco's March 5, 2019 email messages, we understand that the Colorado entity referenced in your certificate has returned the cobalt-60 sealed source to you, and that the source is currently in your possession. Finally, we also understand that Mr. DeMarco is planning to retire in August 2019, and that he is unsure of your plans to replace him with a new RSO.

In accordance with Mr. DeMarco's email messages, we understand that you have withdrawn your request to terminate your radioactive materials license. You may refer to NUREG 1556, Vol. 7, rev. 1, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Academic, Research and Development, and Other Licenses of Limited Scope, Including Electron Capture Devices and X-Ray Fluorescence Analyzers;" NUREG 1757, Vol. 1, rev. 2, "Decommissioning Process for Materials Licensees;" and NUREG 1757, Vol. 2, rev. 1, "Characterization, Survey, and Determination of Radiological Criteria;" when preparing any future request to terminate this license.

These volumes may be found at the websites:

<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/v7>;
<https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1757/v1>; and
<https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1757/v2>.

You may also find useful information at the NRC's Low Level Radioactive Waste (LLRW)/ Disused Source Toolbox for Materials Users, found at <https://scp.nrc.gov/llrw.html>. That website provides additional specific information to questions such as:

- "How/Where Can I Dispose of LLRW?"
- "What Are the Common Methods of LLRW Storage and Disposal?" and
- "What Can I Do With Unwanted/Disused Radioactive Sources?"

As stated in our December 21, 2018 letter (ML18355A815) to Mr. DeMarco, once you have properly dispositioned your cobalt-60 source, in order to resubmit your termination request, please submit the following items:

1. NRC Form 314 clarifying:

- In Item A. License Status, that, "This license has not yet expired; please terminate it;"
- In Item B. Disposal of Radioactive Material, the License No. for the licensee to which material was or will be received from the licensee;
- In Item C, Surveys Performed and Reported, confirmation that, "The results of the latest leak test or survey are attached;" and
- In Certifying Official, the name, title, signature and date for an individual authorized to terminate the license.

2. A copy of the radioactive materials license and Radiation Safety Officer (RSO) contact information for the licensee to which your cobalt-60 sealed source has been transferred; and
3. A copy of the most recent leak test for the cobalt-60 sealed source, demonstrating that the source has never been leaking.

Note that this information was previously requested, to be received in our office on or before January 17, 2018; to date, no response has been received.

In resubmitting your request, please be reminded that Title 10 of the *Code of Federal Regulations* (CFR) Sections 30.9 and 30.10 require that information provided to the Commission by a licensee to be complete and accurate in all material aspects. Deliberate submittal of incomplete or inaccurate information that is material to the Commission could subject the licensee to enforcement action.

In addition, please be reminded that – under 10 CFR 30.33(a)(3), your license requires an RSO and/or other responsible individual who is qualified to oversee your program. Mr. DeMarco is currently listed as the RSO on your license; this cannot be changed without amendment to the license.

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.

If you have any questions concerning this letter, please contact the U.S. NRC, Region III office at (630) 829-9887 so that we may provide appropriate answers.

In accordance with 10 CFR 2.390, a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from ADAMS.

Sincerely,



Sara A. Forster, M.S.
Health Physicist
Materials Licensing Branch

License No. SNM-1171
Docket No. 070-01228

CC: Chris J. DeMarco, RSO