



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352

November 28, 2022

EA-22-112

Ms. Anna Belote
Senior Director
Risk Management and Safety
University of Notre Dame
636 Grace Hall
Notre Dame, IN 46556

SUBJECT: EXERCISE OF ENFORCEMENT DISCRETION - NRC ROUTINE
INSPECTION REPORT NO. 03000694/2022001(DRSS), NOTICE
OF VIOLATION, – UNIVERSITY OF NOTRE DAME DU LAC

Dear Ms. Belote:

We recently sent you a letter dated November 14, 2022, transmitting a Notice of Violation (NOV) and Inspection Report for a routine inspection conducted at the University of Notre Dame. We are re-issuing that letter, NOV, and Inspection Report to better document the use of enforcement discretion for the identified violation.

On September 30, 2022, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection at University of Notre Dame, in Notre Dame, Indiana, with continued in-office review through October 31, 2022. 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 information not available at the time of the inspection. Mr. Zahid Sulaiman of my staff conducted a final exit meeting by telephone with Mr. Andrew Welding, Radiation Safety Officer, on October 31, 2022, to discuss the inspection findings. This letter and its enclosures present the results of the inspection.

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, and interviews with personnel.

Enclosures 1 and 2 contain Sensitive
Unclassified Non-Safeguards Information.
When separated from the Enclosures, this
transmittal letter is decontrolled.

A. Belote

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One violation was identified during this inspection and is described in the attached Notice of Violation. In accordance with the Enforcement Policy, this violation would normally be categorized at Severity Level III and considered for escalated enforcement action. However, in accordance with NRC Enforcement Guidance Memorandum (EGM) 20-003, issued July 15, 2020, the NRC is exercising enforcement discretion to categorize this violation as a Severity Level IV violation. The violation is of a security-related nature and is cited in the enclosed non-public Notice of Violation (Notice) (Enclosure 1). The violation was evaluated in accordance with the NRC Enforcement Policy, which is available on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. Details of the violation are available in the enclosed non-public Security Addendum (Enclosure 2).

You are required to respond to this letter regarding the cited violation and should follow the instructions specified in the enclosed Notice when preparing your response. The guidance in NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be useful in preparing your response. You can find the Information Notice on the NRC website at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

Because the finding involves security-related information, your response will not 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). Please mark the top of each page of your response "Security-Related Information – Withhold Under 10 CFR 2.390." To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information.

Please feel free to contact Zahid Sulaiman of my staff if you have any questions regarding this inspection. Mr. Sulaiman can be reached at 630-829-9752 or zahid.sulaiman@nrc.gov.

Sincerely,



Signed by Edwards,
Rhex on 11/28/22

Rhex A. Edwards, Chief
Materials Inspection Branch
Division of Radiological Safety and Security

Docket No. 030-00694
License No. 13-01983-15

cc w/o encl: State of Indiana

Enclosures:

1. Notice of Violation (Non-public)
2. Security Addendum (Non-public)

A. Belote

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Letter to Anna Belote from Rhex A. Edwards dated November 28, 2022.

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DATE	11/23/22		11/28/22		11/28/22			

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