



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

July 4, 2006

Docket No. 03009558

License No. 37-15672-01

Linda R. McMillin, Ph.D., Provost
Susquehanna University
514 University Avenue
Selinsgrove, PA 17870-1001

SUBJECT: INSPECTION 03009558/2006001, SUSQUEHANNA UNIVERSITY,
SELINGROVE, PENNSYLVANIA SITE AND NOTICE OF VIOLATION

Dear Dr. McMillin:

On May 11, 2006, Dennis Lawyer of this office conducted a safety inspection at the above address of activities authorized by your NRC license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selected examination of representative records. Additional information provided in your correspondence dated June 8, 2006, and the telephone conversation on June 27, 2006 between Dr. David S. Richard of your organization and Mr. Lawyer were also examined as part of the inspection. The findings of the inspection were discussed with you at the conclusion of the inspection.

Based on the results of this inspection, it appears that your activities were not conducted in full compliance with NRC requirements. A Notice of Violation is enclosed that categorizes each violation by severity level. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

Item A in the Notice of Violation enclosed with this letter was identified during a previous inspection of your licensed activities and documented in a Notice of Violation enclosed with our letter dated September 25, 2000. From this inspection, it appears that your corrective actions were not effective since this item has recurred. Recurrent and uncorrected violations are given additional weight in the consideration and selection of appropriate enforcement action. Therefore, in your response to this letter, you should give particular attention to those actions taken or planned to ensure that identified items of noncompliance will be completely corrected and will not recur.

Current NRC regulations are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material**; then **Toolkit Index Page**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select

L. McMillin
Susquehanna University

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What We Do, Enforcement, then Enforcement Policy. Or you may obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 8:00 p.m. EST, Monday through Friday (except Federal holidays).

Your cooperation with us is appreciated.

Sincerely,

Original signed by James P. Dwyer

James P. Dwyer, Chief
Commercial and R&D Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
David S. Richard, Ph.D., Radiation Safety Officer
Commonwealth of Pennsylvania

L. McMillin
Susquehanna University

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NOTICE OF VIOLATION

Susquehanna University
Selinsgrove, PA

Docket No. 03009558
License No. 37-15672-01

During an NRC inspection conducted on May 11, 2006, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Condition No. 18 of License No. 37-15672-01 requires that a physical inventory be performed every six months or at other intervals approved by the U.S. Nuclear Regulatory Commission, to account for all sources and/or devices received and possessed under the license.

Contrary to the above, as of May 11, 2006, the required six month inventory had not been conducted since May 29, 2002.

This is a Severity Level IV violation (Supplement VI).

- B. 10 CFR 31.5(c)(12) requires, in part, that any person who acquires, receives, possesses, uses or transfers byproduct material in a device pursuant to a general license shall appoint an individual responsible for having knowledge of the appropriate regulations and requirements and the authority for taking required actions to comply with appropriate regulations and requirements

Contrary to the above, the University acquired byproduct material in a device pursuant to a general license and, as of May 11, 2006, had not appointed an individual responsible for having knowledge of the appropriate regulations and requirements and the authority for taking required actions to comply with appropriate regulations and requirements. Specifically, in October 2000, pursuant to a general license, a University faculty member acquired a Valco Instruments Company, Inc. Model 140BN Electron Capture Detector containing 5 millicuries nickel 63 and, when the faculty member left the University in June 2002, the University did not appoint an individual responsible for having the required knowledge and authority.

This is a Severity Level IV violation (Supplement VI).

- C. 10 CFR 31.5(c)(15) requires, in part, that any person who acquires, receives, possesses, uses or transfers byproduct material in a device pursuant to a general license may not hold devices that are not in use for longer than 2 years. Devices kept in standby for future use are excluded from the two-year time limit if the general licensee performs quarterly physical inventories of these devices while they are in standby.

Contrary to the above, the University acquired byproduct material in a device pursuant to a general license, held the device that is no longer in use for longer than two years but did not perform quarterly physical inventories as required. Specifically, the University held a Valco Instruments Company, Inc. Model 140BN Electron Capture Detector containing a nickel 63 source for longer than 2 years and the University had not performed quarterly physical inventories of this device.

This is a Severity Level IV violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, Susquehanna University is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

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

Dated This 4th day of July 2006