



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

July 29, 2015

EA-15-056
EN 49561
NMED No. 130564 (Closed)

The Honorable Michael E. Duggan
Mayor of Detroit
2 Woodward Ave., Suite 1126
Detroit, MI 48226

SUBJECT: NRC SPECIAL INSPECTION REPORT NO. 99990003/2015004(DNMS) AND
NOTICE OF VIOLATION – CITY OF DETROIT

Dear Mayor Duggan:

On November 19, 2013, through March 12, 2014, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted a special inspection at the various Departments with the City of Detroit which were reported to have generally licensed radioactive devices, with continued in-office review through May 27, 2015. 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 NRC records and responses from the various Departments with the City of Detroit regarding the status of their generally licensed devices. Aaron McCraw, Chief of the Materials Inspection Branch, conducted a final exit meeting with you on July 2, 2015, to discuss the inspection findings. The enclosed inspection report presents 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.

Based on the results of this inspection, the NRC has determined that three Severity Level IV violations of NRC requirements occurred. The violations were 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 violations involved the following: (1) the licensee's failure to transfer or dispose of devices containing byproduct material only to an authorized recipient, as required by Title 10 of the *Code of Federal Regulations* (CFR) Part 31.5(c)(8)(i); (2) the licensee's failure to appoint a responsible individual, as required by 10 CFR 31.5(c)(12); and (3) the licensee's failure to dispose of devices that are not in use for longer than 2 years as required by 10 CFR 31.5(c)(15). Because these violations all stem from a similar root cause, the NRC is citing the violations collectively as one Severity Level IV problem. The NRC is citing the problem at Severity Level IV (very low safety significance), because the loss of two generally licensed devices did not present a

hazard to public health and safety. The devices contained very small quantities of a short-lived radioactive material in a sealed form. The problem is cited in the enclosed Notice of Violation (Notice). The NRC is citing the problem in the Notice because it was identified by the NRC.

The NRC determined that the root cause of the violations was a lack of full understanding of the regulatory requirements imposed on individuals or entities that possess generally licensed devices. This is of concern to the NRC because it increases the chance for the devices to be lost, stolen, or improperly handled which could result in adverse impacts to the health and safety of the general public if larger quantities of devices and/or materials were lost, stolen, or improperly handled. As corrective action, you order your staff to conduct a thorough search of city offices for the missing devices and have appointed a single point of contact for all generally licensed materials possessed by the city. As a long-term corrective action, several city departments have committed to properly disposing of any remaining generally licensed devices.

You are required to respond to this letter 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's 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.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and 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.

M. Duggan

-3-

Please feel free to contact Mr. Aaron McCraw of my staff if you have any questions regarding this inspection. Mr. McCraw can be reached at 630-829-9650.

Sincerely,

/RA by Julio F. Lara Acting for/

Patrick L. Loudon, Director
Division of Nuclear Materials Safety

Docket No. 99990003
License No. 10 CFR 31.5

Enclosure:

1. Notice of Violation
2. IR 99990003/2015004(DNMS)

cc w/encl: State of Michigan

M. Duggan

-3-

Please feel free to contact Mr. Aaron McCraw of my staff if you have any questions regarding this inspection. Mr. McCraw can be reached at 630-829-9650.

Sincerely,

/RA by Julio F. Lara Acting for/

Patrick L. Loudon, Director
Division of Nuclear Materials Safety

Docket No. 99990003
License No. 10 CFR 31.5

Enclosure:

1. Notice of Violation
2. IR 99990003/2015004(DNMS)

cc w/encl: State of Michigan

DISTRIBUTION w/encl:

Darrell Roberts
Patrick Loudon
Julio Lara
Richard Skokowski
Carole Ariano
Paul Pelke
Jim Clay
Carmen Olteanu
MIB Inspectors

ADAMS Accession Number: ML15210A508

☒ Publicly Available ☐ Non-Publicly Available ☐ Sensitive ☒ Non-Sensitive

To receive a copy of this document, indicate in the concurrence box "C" = Copy without attach/encl "E" = Copy with attach/encl "N" = No copy

OFFICE	RIII-DNMS		RIII-DNMS		RIII-EICS		RIII-DNMS	
NAME	EKulzer:ps		AMcCraw		RSkokowski		PLoudon JFL for	
DATE	07/22/15		07/22/15		07/23/15		07/29/15	

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

City of Detroit
Detroit, Michigan

License No. 10 CFR 31.5
Docket No. 999-90003
EA-15-056

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on November 19, 2013, through March 12, 2014, with continued in-office review through May 27, 2015, violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Title 10 of the *Code of Federal Regulations* (CFR) Part 31.5(c)(8)(i) requires, in part, that any person who acquires, receives, possesses, uses, or transfers byproduct material in a device pursuant to a general license shall, except as provided in 10 CFR 31.5(c)(9), transfer or dispose of the device containing byproduct material only by transfer to persons holding a specific license pursuant to 10 CFR Parts 30 and 32 from an Agreement State to receive this device.

Contrary to the above, as of March 12, 2014, the general licensee who possessed byproduct material failed to transfer or dispose of devices by transfer to a person authorized by a specific license and the exceptions in 10 CFR 31.5(c)(a) did not apply. Specifically, the licensee could not account for two x-ray fluorescence analyzers containing cadmium-109 totaling 11 millicuries.

- B. Title 10 CFR 31.5(c)(12) states that a general licensee shall appoint an individual responsible for having knowledge of the appropriate regulations and requirements and authority for taking required actions to comply with appropriate regulations and requirements. The general licensee, through this individual, shall ensure the day-to-day compliance with appropriate regulations and requirements. This appointment does not relieve the general licensee of any of its responsibility in this regard.

Contrary to the above, as of March 12, 2014, the general licensee failed to have an individual responsible for having knowledge of the appropriate regulations and requirements and authority for taking required actions to comply with appropriate regulations and requirements, and therefore, was not ensuring day-to-day compliance with appropriate regulations and requirements. Specifically, seven of the eight departments inspected had not retained a responsible individual.

- C. Title 10 CFR 31.5(c)(15) states, in part, that a general licensee may not hold devices that are not in use for longer than two years. 10 CFR 31.5(c)(15) provides an exception to the two-year limit, if the general licensee performs quarterly physical inventories of these devices while they are in standby.

Contrary to the above, as of March 12, 2014, the general licensee held in its possession generally licensed devices that were not in use for longer than two years and quarterly inventories were not performed while the devices were in standby.

This is a Severity Level IV problem (Section 6.3).

Pursuant to the provisions of 10 CFR 2.201, the City of Detroit is hereby required to submit a written statement or explanation 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 of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation; EA-15-056" and should include: (1) the reason for the violations, or, if contested, the basis for disputing the violations or their severity level; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken; and (4) the date when full compliance will be achieved. Your response may reference or include previously 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.

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, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made publicly available without redaction.

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.

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

Dated this 29th day of July, 2015.

**U.S. Nuclear Regulatory Commission
Region III**

Docket No.	999-90003
License No.	10 CFR Part 31.5
Report No.	99990003/2015004(DNMS)
EA No. /NMED No.	EA-15-056/130564
Licensee:	The City of Detroit
Facility:	Various City agencies
Inspection Dates:	November 19, 2013, through March 12, 2014, with continued in- office review through May 27, 2015
Exit Meeting Date:	July 2, 2015
Inspector:	Edward L. Kulzer, Health Physicist
Approved By:	Aaron T. McCraw, Chief Materials Inspection Branch Division of Nuclear Materials Safety

EXECUTIVE SUMMARY

The City of Detroit NRC Inspection Report 99990003/2015004(DNMS)

On July 18, 2013, the City of Detroit filed for bankruptcy protection and adjustments of debt under Chapter 9 of the Bankruptcy Code. On July 31, 2013, the U.S. Department of Justice, on behalf of the U.S. Nuclear Regulatory Commission (NRC), filed a court order in the United States Bankruptcy Court for the Eastern District of Michigan Southern Division titled "Notice of Prohibition Against Transfer Or Disposal Of Licensed Radioactive Materials Without Prior Written Approval Of United States Nuclear Regulatory Commission," prohibiting the City of Detroit from transferring or disposing of the license or licensed material without the written approval of the NRC. The NRC attempted to notify those departments in the City of Detroit that were listed in the NRC's Web-based Licensing (WBL) system and the NRC's General License Tracking System (GLTS) to inform their principal contacts of this court order. The NRC successfully contacted the one specific license issued to the City of Detroit City Engineering Division using the information in the NRC's WBL to inform the licensee of the order and verify that all radioactive materials were still in the licensee's possession; however, the NRC was unable to contact the other departments using the contact information listed in the NRC's GLTS. The NRC's inability to contact these department through the listed contacts in the NRC's GLTS precipitated a special inspection of the generally licensed devices on record at the following departments within the City of Detroit: Public Health, Building Safety and Environmental, Planning and Development, Housing, Water and Sewerage, Homeland Security, Fire, Police, and General Services.

As a result of the inspection, the inspector identified three Severity Level IV violations. The inspector identified a violation of Title 10 of the *Code of Federal Regulations* (CFR) Part 31.5(c)(8)(i) which requires any person who acquires, receives, possesses, uses or transfers byproduct material in a device pursuant to a general license shall, except as provided in 10 CFR 31.5(c)(9), transfer or dispose of the device containing byproduct material only to persons holding a specific license pursuant to 10 CFR Parts 30 and 32 from an Agreement State to receive this device. One x-ray fluorescence analyzer (XRF) containing a nominal amount of 10 millicuries (mCi) of cadmium-109 (Cd-109) could not be accounted for by Public Health. One XRF containing a nominal amount of 1 mCi of Cd-109 could not be accounted for by Housing.

The inspector identified a second violation of 10 CFR 31.5(c)(12) which requires, in part, that general licensees appoint an individual responsible for having knowledge of the appropriate regulations and requirements. The general licensee, through the individual, shall ensure the day-to-day compliance with the appropriate regulations and requirements. During the site visits to each of the departments, the inspector determined that in all but one of the above departments (Planning and Development) there was not appointed responsible individual for ensuring the day-to-day compliance with the appropriate regulations and requirements.

The inspector identified a third violation of 10 CFR 31.5(c)(15) which requires, in part, that a general licensee may not hold devices that are not in use for longer than two years. The regulation provides an exception to the two-year limit, if the general licensee performs quarterly inventories of these devices while they are in standby. The inspector found that almost all of the generally licensed devices had not been used in more than

two years and that the unused devices were not inventoried on a quarterly basis during storage.

The inspector determined that the cause for these violations was the lack of full understanding of the regulatory requirements imposed on individuals or entities that possess generally licensed devices. As corrective action to restore compliance and prevent future recurrence, the city initiated a thorough search of all city offices to attempt to locate the missing devices and appointed a single point of contact in the Homeland Security department to track all generally licensed devices in the city's possession. Many of the departments committed to return their unused devices to appropriately licensed entities as an additional means to prevent recurrence.

REPORT DETAILS

1 Program Overview

The City of Detroit maintains one specific license with the NRC. NRC License No. 21-24406-02 authorizes the City of Detroit City Engineering Division to possess and use portable gauging devices for the measurement of physical properties or materials.

The City of Detroit is also authorized to possess and use certain devices under a general license granted in 10 CFR 31.5. These devices are authorized for the purposes of detecting, measuring, gauging, or controlling thickness, density, level, or producing light or ionizing atmosphere under a general license. The general license applies only to byproduct material contained in devices which have been manufactured or initially transferred and labeled in accordance with specifications contained in – (i) a specific license issued by an Agreement State; or (ii) an equivalent specific license issued by a state with provisions comparable to 10 CFR 32.51. The NRC's records in the NRC's GLTS showed generally licensed devices having been distributed to the following departments within the City of Detroit: Public Health, Building Safety and Environmental, Planning and Development, Housing, Water and Sewerage, Homeland Security, Fire, Police, and General Services.

2 Background

On July 18, 2013, the City of Detroit filed for bankruptcy protection and adjustments of debt under Chapter 9 of the Bankruptcy Code. Shortly thereafter, on July 31, 2013, the U.S. Department of Justice, on behalf of the NRC, filed a court order in the United States Bankruptcy Court for the Eastern District of Michigan Southern Division titled "Notice of Prohibition Against Transfer Or Disposal Of Licensed Radioactive Materials Without Prior Written Approval Of United States Nuclear Regulatory Commission," prohibiting the City of Detroit from transferring or disposing of the license or licensed material without the written approval of the NRC. The NRC attempted to notify those departments in the City of Detroit that were listed in the NRC's WBL system and the NRC's GLTS to inform their principal contacts of this court order. The NRC successfully contacted the one specific license issued to the City of Detroit City Engineering Division using the information in the NRC's WBL to inform the licensee of the order and verify that all radioactive materials were still in the licensee's possession; however, the NRC was unable to contact the other departments using the contact information listed in the NRC's GLTS. The NRC's inability to contact these department through the listed contacts in the NRC's GLTS precipitated a special inspection of the generally licensed devices on record at the aforementioned departments within the city.

2 Accountability of Radioactive Materials

2.1 Inspection Scope

On various dates between November 19, 2013, and March 12, 2014, the inspector conducted a special, onsite inspection at each of the aforementioned departments and reviewed the elements of the general license radiation safety program including the following: current address and location of the departments, a review of the radioactive devices as listed in the NRC's GLTS, and conducted a physical inventory of these devices.

The inspector provided to each of the departments copies of the following: the regulations in 10 CFR 31.5, inventories for the respective department, the court order, and disposal information. The court order for these devices specified that none of these generally licensed devices should be disposed of and/or transferred without prior NRC approval.

2.2 Observations and Findings

Public Health Department

On November 19-20, 2013, the inspector toured the Detroit Public Health Department, which is now known as the Department of Health and Wellness Promotion. The inspector determined that the responsible individual listed in the NRC's GLTS was no longer employed by the department. The inspector found that there was not an appointed individual responsible for having knowledge of the appropriate regulations and requirements for generally licensed devices to ensure the day-to-day compliance with the appropriate regulations and requirements. The inspector identified a violation of 10 CFR 31.5(c)(12) which requires, in part, that general licensees appoint an individual responsible for having knowledge of the appropriate regulations and requirements. The general licensee, through the individual, shall ensure the day-to-day compliance with the appropriate regulations and requirements.

During a review of the NRC's inventory records for Public Health, the inspector determined that ten XRF containing up to 247 mCi of Cd-109 could not be accounted for. The inspector recognized that this loss met the criteria for a reportable event and requested that Public Health report the loss to the NRC Operations Center in accordance with 10 CFR 20.2201. On November 20, 2013, Public Health reported the loss to the NRC Operations Center and was recorded as Event No. 49561. The event was reported upon confirmation that the devices in question could not be accounted for.

During the course of this inspection, the NRC discovered a reporting error in its GLTS. The NRC determined that there were multiple entries for the same device in the GLTS. The GLTS inventory records indicated that Public Health had twelve XRF of a certain model, each with a unique serial number. After reviewing the inventory and distribution records with the manufacturer, the NRC discovered that Public Health had only been distributed three XRFs of this particular model. The cause for the reporting error was that the manufacturer's distribution records indicated that the devices – after being serviced and

resourced – were new distributions. The devices were then put into GLTS as new entries. The complexity of the manufacturer's serial numbering convention was a contributing cause of the error. The NRC has since updated the inventory of devices that were distributed to Public Health in the NRC's GLTS. In light of this information, the NRC concluded that only one XRF of this model could not be accounted for. The one XRF that could not be accounted for contained a nominal quantity of 10 mCi of Cd-109.

The inspector determined that based on the age of the device and the short half-life of the isotope involved (Cd-109) that the device had decayed to the point where there was no hazard to public health and safety as a result of the loss. Nonetheless, the loss represents a violation of 10 CFR 31.5(c)(8)(i) which requires any person who acquires, receives, possesses, uses or transfers byproduct material in a device pursuant to a general license shall, except as provided in 10 CFR 31.5(c)(9), transfer or dispose of the device containing byproduct material only to persons holding a specific license pursuant to 10 CFR Parts 30 and 32 from an Agreement State to receive this device. Public Health could not produce any records to demonstrate that the device had been transferred to an authorized recipient. The NRC verified with the manufacturer that the device had not been returned for disposal or replacement since distribution.

The inspector identified five additional XRFs devices listed in the NRC's GLTS for Public Health that could not be accounted for. These devices contained a nominal amount of 10 mCi of cobalt-57 (Co-57) at the time of distribution. Based on the date of entry into GLTS (which is relative to the date of distribution) and the useful life of the devices (which is relative to the radioactive half-life of Co-57), it is likely that these devices would have been returned to the manufacturer or replaced many years ago and are likely an artifact in the GLTS. The NRC contacted the manufacturer, and the manufacturer could not confirm whether these devices had been returned for disposal, as suspected. As such, the NRC did not include these items as specific examples in the violation or factor these devices into its enforcement decision.

The inspector also identified three additional XRFs manufactured by a third and a fourth manufacturer that were in Public Health's possession but were not listed in the NRC's GLTS. These devices also contained a nominal amount of 10 mCi of Co-57.

For those devices that remained in Public Health's possession, the inspector determined that none of the devices had been used in more than two years and were no longer functional. Title 10 CFR 31.5(c)(15) requires, in part, that a general licensee may not hold devices that are not in use for longer than two years. The regulation provides an exception to the two year limit, if the general licensee performs quarterly inventories of these devices while they are in standby. There were no records of quarterly inventories performed while these devices were in storage. The inspector identified Public Health's continued storage of these devices as a violation of 10 CFR 31.5(c)(15).

The inspector determined that the building that the devices were stored in was scheduled to be demolished. The inspector requested that the devices be

relocated and that Public Health notify the NRC's General License Program Manager as to the new location of the devices. Public Health immediately relocated the devices and provided the requested notification to the NRC.

Building Safety and Environmental Department

On November 19-20, 2013, the inspector toured the Building Safety and Environmental Department. The inspector determined that the responsible individual listed in the NRC's GLTS was no longer employed by the department and that there was not an appointed individual responsible for having knowledge of the appropriate regulations and requirements for generally licensed devices to ensure the day-to-day compliance with the appropriate regulations and requirements. This is an additional example of the violation of 10 CFR 31.5(c)(12). The inspector determined that all five XRFs on record in the NRC's GLTS for the Building Safety and Environmental Department were present and accounted for. The inspector identified three additional XRFs in this department that belonged to the Public Health Department. These devices were returned to the Public Health Department. These devices were factored into the total number of devices that were not accounted for in Public Health.

The inspector determined that none of the devices in the Building Safety and Environmental Department had been used in more than two years and were no longer functional. There were no records of quarterly inventories performed while these devices were in storage. This is another example of the violation of 10 CFR 31.5(c)(15). The Building Safety and Environmental Department indicated that it was considering retaining these devices for future use.

Planning and Development Department

On November 19-20, 2013, the inspector toured the Planning and Development Department. The inspector determined that the responsible individual listed in the NRC's GLTS was still employed by the department. The inspector determined that all four devices on record in the NRC's GLTS for Planning and Development Department were presented and accounted for.

The inspector determined that none of the devices in the Planning and Development Department had been used in more than two years and were no longer functional. There were no records of quarterly inventories performed while these devices were in storage. This is another example of the violation of 10 CFR 31.5(c)(15).

Housing Department

On January 14-15, 2014, the inspector toured the Housing Department. The inspector determined that the responsible individual listed in the NRC's GLTS was no longer employed by the department and that there was not an appointed individual responsible for having knowledge of the appropriate regulations and requirements for generally licensed devices to ensure the day-to-day compliance with the appropriate regulations and requirements. This is an additional example of the violation of 10 CFR 31.5(c)(12).

At the time of the inspection, the inspector determined that the two XRFs on record in the NRC's GLTS for the Housing Department could not be accounted for. On June 12, 2014, the Housing Department contacted the inspector to inform him that one of the two missing XRFs had been located. The loss of the one device represents another example of the violation of 10 CFR 31.5(c)(8)(i). The Housing Department could not produce any records to demonstrate that the missing device had been transferred to an authorized recipient. The NRC verified with the manufacturer that the device had not been returned for disposal or replacement.

The inspector determined that none of the devices in the Housing Department had been used in more than two years and were no longer functional. There were no records of quarterly inventories performed while these devices were in storage. This is another example of the violation of 10 CFR 31.5(c)(15).

Water and Sewerage Department

On January 14-15, 2014, the inspector toured the Water and Sewerage Department. The inspector determined that the responsible individual listed in the NRC's GLTS was no longer employed by the department and that there was not an appointed individual responsible for having knowledge of the appropriate regulations and requirements for generally licensed devices to ensure the day-to-day compliance with the appropriate regulations and requirements. This is an additional example of the violation of 10 CFR 31.5(c)(12).

During the inspection, the inspector was told that all of the radioactive materials were removed from the facility in the 1990s. The NRC's GLTS listed a large number of tritium exit signs and two fixed gauges each containing 3 curies of cesium-137. The inspector toured the facility to verify that the radioactive materials had been removed, and the inspector discovered tritium exit signs throughout the 90-acre facility. Upon return to the NRC's Region III office, the inspector verified with the manufacturer that the two fixed gauges had been returned to the manufacturer and that no further distributions had been made to the Water and Sewerage Department. No devices were identified as missing from the Water and Sewerage Department. A second location was listed in the NRC's GLTS as belonging to the Water and Sewerage Department; however, the inspector was informed by Water and Sewerage that that building was now occupied by the city's Homeland Security Department. The NRC's GLTS indicated that this location should have tritium exit signs.

Homeland Security Department

On January 15, 2014, the inspector toured the Homeland Security Department. The inspector verified that all devices that were on record in the NRC's GLTS at this location were accounted for. The inspector requested that the Homeland Security Department notify the NRC's General License Program Manager that they now possess the exit signs and that a responsible individual to comply with the regulations and requirements for generally licensed devices had been appointed. The Homeland Security Department provided this notification to the NRC on March 5, 2014.

Fire Department

On March 12, 2014, the inspector met with a Fire Department representative. The inspector determined that the responsible individual listed in the NRC's GLTS was no longer employed by the department and that there was not an appointed individual responsible for having knowledge of the appropriate regulations and requirements for generally licensed devices to ensure the day-to-day compliance with the appropriate regulations and requirements. This is an additional example of the violation of 10 CFR 31.5(c)(12).

During the inspection, the inspector was told that the two generally licensed devices listed in the NRC GLTS as belonging to the Detroit Fire Department (two chemical agent monitors, each containing 10 mCi of Nickel-63 (Ni-63)) were believed to have been located in an older building located at 250 W. Larned Ave., which was no longer owned or occupied by the Fire Department, and could no longer be accounted for. The inspector determined that the building was empty, had been sold, and was being repurposed. The inspector was told that the devices may have been disposed of as regular trash during the building cleanout.

On July 15, 2015, City Officials notified the NRC that the devices had been located and were accounted for. The devices had been relocated to a new address and were stored securely. The NRC updated its records in GLTS based on this information.

Police Department

On March 12, 2014, the inspector met with a Police Department representative. The inspector determined that the responsible individual listed in the NRC's GLTS was no longer employed by the department and that there was not an appointed individual responsible for having knowledge of the appropriate regulations and requirements for generally licensed devices to ensure the day-to-day compliance with the appropriate regulations and requirements. This is an additional example of the violation of 10 CFR 31.5(c)(12).

The inspector determined that, according to the NRC's GLTS, the Police Department had one contraband detection device containing 10 microcuries of barium-133. At the time of the inspection, the Police Department was not aware that they had this device. On July 8, 2015, the Mayor's Office notified the NRC that this device had been located and was accounted for.

General Services Department

On March 12, 2014, the inspector met with a representative of the General Services Department. The inspector determined that the General Services Department was responsible for the Detroit City airport. The NRC's GLTS indicated that this location had generally licensed tritium exit signs. The inspector was told that the building was sold and no longer belonged to the City of Detroit. Under the NRC's regulations, generally licensed devices are permitted to be sold to a new owner so long as the devices remain in place at the address of use. The inspector determined that this transfer was in accordance

with the NRC's regulations and was executed prior to the issuance of the court order prohibiting transfer without prior NRC approval.

2.3 Conclusions

The inspector identified two examples of a violation of 10 CFR 31.5(c)(8)(i) in which the city failed to appropriately transfer or dispose of generally licensed devices. Specifically, the city could no longer account for two XRFs containing Cd-109 in a nominal quantity of 11 mCi.

The inspector identified multiple examples of a violation of 10 CFR 31.5(c)(12) in which various departments failed to have an individual responsible for having knowledge of the appropriate regulations and requirements for generally licensed devices to ensure the day-to-day compliance with the appropriate regulations and requirements. All but one of the departments inspected (Planning and Development) did not have an individual responsible for having knowledge of the appropriate regulations and requirements for generally licensed devices to ensure the day-to-day compliance with the appropriate regulations and requirements.

The inspector identified multiple examples of a violation of 10 CFR 31.5(c)(15) in which various departments held devices that are not in use for longer than two years without performing quarterly inventories of the devices while they were in storage.

3 **Exit Meeting Summary**

The NRC inspector presented preliminary inspection findings following the onsite inspection. The licensee did not identify any documents or processes reviewed by the inspectors as proprietary. The licensee acknowledged the findings presented.

LIST OF PERSONS CONTACTED

Shawn Battle, Fire
Mike Duggan, Mayor
Eric Ewing, Homeland Security
Eric Johnson, Planning and Development
Stephen Kuplicki, Water and Sewerage
Kelley Lyons, Housing
David Massaron, Mayor's Office
Paul Max, Building Safety and Environmental
Isaiah McKinnon, Deputy Mayor
Joseph Mutebi, Health and Wellness Promotion
Steve Myles, Police
Jane Nickert, Health and Wellness Promotion
Gerard Simon, Homeland Security
Daniel Schechter, Water and Sewerage
Marc Tirikian, General Services
Keiano VanZant, Water and Sewerage
Deborah Whiting, Health and Wellness Promotion

Attended exit meeting on July 2, 2015.

INSPECTION PROCEDURE (IP) USED

IP 87103: Inspection of Materials Licensees Involved in an Incident or Bankruptcy Filing

LIST OF ACRONYMS USED

ADAMS	Agency Document and Management System
Cd-109	cadmium-109
CFR	Code of Federal Regulations
Co-57	cobalt-57
DNMS	Division of Nuclear Materials Safety
GLTS	General License Tracking System
mCi	millicuries
Ni-63	Nickel-63
NRC	U. S. Nuclear Regulatory Commission
WBL	Web-based Licensing
XRF	x-ray fluorescence analyzer