

NEBRASKA

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DEPT. OF HEALTH AND HUMAN SERVICES



Jim Pillen, Governor

April 30, 2025

University of Nebraska Medical Center
4368 Emile St
Omaha, NE 68105

ATTN: Frank Rutar
Radiation Safety Officer

Dear Mr. Rutar:

This refers to the inspection conducted by Michael Gries, Bryan Miller, and Bryce Davidson of this office on March 25-27, and April 1-2, 2025 of activities authorized by your Nebraska Radioactive Material License No. 01-50-01. Our findings were discussed with Sarah Golden, Nina Barnowka-Kortylewicz, Carrie Carson, Mark Theis, Pat Wortman, Mike Plathe, Sherry Westphal, and you at the conclusion of this inspection.

This inspection was an examination of the activities conducted under your license, a selective examination of procedures and representative records, observations and interviews with personnel as they relate to radiation safety and to compliance with the Department's rules and regulations and the conditions placed on the license.

The inspection also included a review of the actions described in your letter dated September 15, 2022 and October 12, 2022 regarding items of noncompliance identified during our July 25-27 and August 4, 2022 inspection. We have no further questions regarding this matter.

Based on the results of this inspection, certain of your activities were not conducted in full compliance with Title 180, as set forth in the Notice of Noncompliance enclosed herewith.

This is to advise you that you are required to post a notice of violation of radiological working conditions (see enclosure). Any noncompliance item with respect to the Regulations or the conditions of the license is considered a violation of working conditions per 180 NAC 10-002.01(D).

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Recommendations are also included for those areas of Health and Safety, which should be reviewed.

Submit a written statement or explanation in reply including:

- (1) Corrective actions which have been taken by you and the results achieved.
- (2) Corrective actions which will be taken to avoid further items of noncompliance.
- (3) The date when full compliance will be achieved.

This report shall be received by this office before **June 9, 2025**.

If you have any questions or concerns regarding this inspection, please contact me, at (402) 471-0528.

Sincerely,



Michael Gries, Health Physicist
Radioactive Materials Program
DHHS - Division of Public Health

Encl. Notice of Noncompliance
Recommendations



NOTICE OF NONCOMPLIANCE
University of Nebraska Medical Center
Radioactive Material License No. 01-50-01
Health and Safety

Based on the results of the Nebraska Department of Health & Human Services, Division of Public Health inspection conducted on March 25-27, and April 1-2, 2025, certain of your activities are in noncompliance with Title 180 (Control of Radiation) and the conditions of your Radioactive Material License No. 01-50-01 as indicated below:

1. Section B-2 of the Radiation Safety Manual, item C., of the procedures incorporated by License Condition 26.A, requires, among other things, that radioactive containers be labeled with "Caution Radioactive Material" and that the label should indicate the radionuclide present.

Contrary to the above, as of March 25, 2025, UNMC Radioactive Material license 710-GARJ had containers that were not labeled correctly. Specifically, a radioactive container was not labeled with the radionuclides that were present.

This is a Severity Level IV violation.

2. Section A-5 of the Radiation Safety Manual, item A., of the procedures incorporated by License Condition 26.A, requires, among other things, that laboratory workers who are not radiation workers but who work for a researcher who is an Authorized User, receive training that is commensurate with the worker's potential exposure to radiation.

Contrary to the above, as of March 26, 2025, UNMC Material License 645-WAND had not provided radiation safety training to a laboratory worker who worked for an Authorized User. Specifically, an individual who was not a radiation worker had not received training commensurate with their possible exposure to radiation despite having access to and working in the laboratory of an active Authorized User.

This is a Severity Level IV violation.

3. Section B-6 of the Radiation Safety Manual, item A.2., of the procedures incorporated by License Condition 26.A, requires, among other things, that the licensee perform an instrument survey to locate fixed and removable contamination on surfaces, equipment, personnel and clothing. At a minimum, an instrument survey should be performed at the end of each working day.

Contrary to the above, as of March 26, 2025, UNMC Material License 303-BARJ indicated through discussion that instrument surveys were not performed to locate fixed and removable contamination. Specifically, it was indicated that surveys were not performed at the end of each day after handling radioactive material.

This is a Severity Level IV violation.

4. Section B-6 of the Radiation Safety Manual, item D., of the procedures incorporated by License Condition 26.A, requires, among other things, that the RSO-8 forms should record the use of radioactive material in units of radioactivity. Volume may be used only if the conversion factor is readily available.

Contrary to the above, as of April 1, 2025, UNMC Material License 812-WYAT had RSO-8 forms that did not record the usage of radioactive material in units of radioactivity. Specifically, the RSO-8 form was listing the radioactive material usage in units of volume without a conversion factor readily available.

This is a Severity Level IV violation.

5. Section B-7 of the Radiation Safety Manual, item D.2., of the procedures incorporated by License Condition 26.A, requires, among other things, that if liquid scintillation counter results are in counts per minute, the actual activity in disintegrations per minute will need be recorded.

Contrary to the above, as of April 1, 2025, UNMC Material License 812-WYAT had recorded the liquid scintillation counter survey results in counts per minute and had not converted the results to disintegrations per minute. Additionally, there was no conversion factor readily available.

This is a Severity Level IV violation.

6. Section B-6 of the Radiation Safety Manual, item D., of the procedures incorporated by License Condition 26.A, states, among other things, that the yellow RSO-8 forms will serve as records of receipt and use of each shipment of radioactive material. Additionally, the RSO-8 form must be sent to the Radiation Safety Office once all the material is disposed of.

Contrary to the above, as of April 1, 2025, for UNMC Material License 812-WAYT, the RSO-8 form was not sent to the Radiation Safety Office once all the material was disposed of. Specifically, RSO-8 #23025, could not be found either at the radiation safety office nor at the Authorized User's laboratory.

This is a Severity Level IV violation.

7. Item 13b of the license application, incorporated by License Condition 26.A, states, among other things, that the radiation safety office will utilize a database program called, "Environmental Health and Safety Assist (EHSA)" for inventory control and accountability. Additionally, the function of the EHSA program is to calculate the Authorized User's current inventory.

Contrary to the above, as of March 25, 2025, the inventory listed on the EHSA program did not account for the current inventory on UNMC Material License 710-GARJ. Specifically, the EHSA program indicated that the material belonging with RSO-8 #24015 was still part of the Authorized User's current inventory, however, the material belonging with RSO-8 #24015 had been zeroed out and the form returned to the radiation safety office without the radiation safety office removing the radioactive material from the current inventory on the EHSA program.

This is a Severity Level IV violation.

RECOMMENDATIONS
University of Nebraska Medical Center
Radioactive Material License No. 01-50-01
Date of Inspection: March 25-27, and April 1-2, 2025
Health and Safety

1. It is recommended that while performing lab audits, the radiation safety worker confirm that the vials are present in the lead pig storage cases.
2. It is recommended that the emergency number in the procedures posted in the waste accumulation building be updated to include a contact number for a current staff member.
3. It is recommended that the package check in survey results include units for area swiped as well as DPM. The results of the package survey only listed DPM without a unit of area listed.
4. It is recommended to include the survey instrument used to perform the package check-in surveys on the record document. Currently the records do not indicate which instrument was used.
5. Have the Radiation Safety Office remove the waste containers from the laboratories as they fill up.



NOTICE OF NONCOMPLIANCE
University of Nebraska Medical Center
Radioactive Material License No. 01-50-01
Security

Based on the results of the Nebraska Department of Health & Human Services, Division of Public Health inspection conducted on March 25-27, and April 1-2, 2025, certain of your activities are in noncompliance with Title 180 (Control of Radiation) and the conditions of your Radioactive Material License No. 01-50-01 as indicated below:

1. 180 NAC 24-005.07B requires the licensee to have challenge procedures in order for individuals to be able to correct his or her criminal history record if he or she believes that it is incorrect or incomplete.

Contrary to the above, as of April 2, 2025, the licensee did not have any written challenge procedures.

This is a Severity Level IV violation.

2. 180 NAC 24-006.03 requires the licensees to conduct a reinvestigation every ten years for any individual with unescorted access to category 1 or category 2 quantities of radioactive material.

Contrary to the above, the licensee did not perform reinvestigations on individuals with unescorted access to category 1 material on a ten-year frequency. Specifically, an individual was granted unescorted access on August 23, 2011, and no reinvestigations had been made as of November 5, 2021, a period of greater than 10 years. Additionally, another individual was granted unescorted access on November 2, 2012 but was never reinvestigated and had unescorted access to the material until they were removed from access on July 15, 2024.

This is a severity level IV violation.

Withhold From Public Disclosure
Under Neb Rev. Stat 71-3507 (9) (c)

3. 180 NAC 24-013 requires, among other things, that licensee's local law enforcement agency (LLEA) coordination include a description of the facilities and category 1 radioactive material along with a description of the licensee's security measures that have been implemented to comply with 180 NAC 24-011 through 24-019. Additionally, the coordination should include a notification that the licensee will request a timely armed response by the LLEA to any actual or attempted theft, sabotage, or diversion of category 1 quantities of material.

Contrary to the above, as of April 2, 2025, although the licensee was coordinating with the LLEA annually, the coordination did not include a description of the facilities, material, or security measures, nor did the coordination include a request for a timely armed response.

This is a severity level IV violation.