



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

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

November 10, 2005

Nasser Paydar, Ph.D.
Vice Chancellor and Dean
Indiana University - Purdue University at Indianapolis
Columbus Campus
4601 Central Avenue
Columbus, IN 47203

**SUBJECT: NRC INSPECTION (IR 030-32591/05-001(DNMS))
AND NOTICE OF VIOLATION**

Dear Dr. Paydar:

This refers to the inspection conducted on November 3, 2005, at the Indiana University - Purdue University at Indianapolis, Columbus Campus. The purpose of the inspection was to determine whether activities authorized by the license were conducted safely and in accordance with NRC requirements. At the conclusion of the inspection, the findings were discussed with your Radiation Safety Officer, Dr. James Clack, and members of your staff.

The inspection was an examination of activities conducted under your license as they relate to radiation safety and to compliance with the Commission's rules and regulations, and with the conditions of your license. Within these areas, the inspection consisted of selective examinations of procedures and representative records, and interviews with personnel.

Based on the results of this inspection, the NRC has determined that one violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice). Please note that you are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

It is our understanding that you have no immediate plans for future use of licensed material and intend to file an amendment request to your license to authorize storage only. You will need to submit your request to the Materials Licensing Branch of the NRC Region III office in Lisle, Illinois. If our understanding is incorrect, please contact our office immediately regarding your future plans to use licensed material.

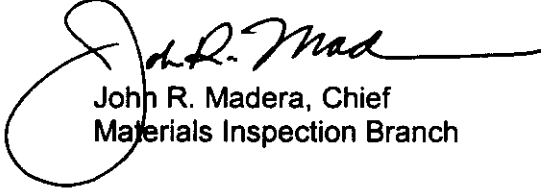
In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from

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the NRC Web site 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 available to the Public without redaction.

Sincerely,



John R. Madera, Chief
Materials Inspection Branch

Docket No. 030-32591
License No. 13-26370-01

Enclosure: Notice of Violation

NOTICE OF VIOLATION

Indiana University - Purdue University at
Indianapolis - Columbus Campus
Columbus, Indiana

Docket No. 030-32591
License No. 13-26370-01

During an NRC inspection conducted on November 3, 2005, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," the violation is listed below:

10 CFR 30.36(d) requires, in part, that licensees provide notification to the NRC in writing within 60 days of any of the following occurrences:

- (1) The license has expired,
- (2) The licensee has decided to permanently cease principal activities at the entire site or in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with NRC requirements,
- (3) No principal activities under the license have been conducted for a period of 24 months, or
- (4) No principal activities have been conducted for a period of 24 months in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with NRC requirements.

Contrary to the above, since 1999, no principal activities have been conducted for a period of 24 months, and the licensee failed to notify the NRC in writing within 60 days of this occurrence. Specifically, the licensee did not notify the NRC of this occurrence until November 3, 2005.

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

Pursuant to the provisions of 10 CFR 2.201, Indiana University - Purdue University at Indianapolis - Columbus Campus is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, 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" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (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, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>, to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

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

Dated this 10th day of November 2005

ENCLOSURE 6

INSPECTION RECORD

Region III

Inspection Report No. 2005-001

License No. 13-26370-021

Licensee (Name and Address):

Docket No. 030-32591

Indiana University - Purdue University at Indianapolis-Columbus Campus
Department of Biology
Columbus, IN 47203

Location (Authorized Site) Being Inspected: IUPUI-Columbus, Research Building, 4601
Central Avenue, Columbus, IN

Licensee Contact: James Clack, RSO

Telephone No. 812.348.7266

Priority: 5

Program Code: 03620

Date of Last Inspection: 11/18/1999

Date of This Inspection: 11/03/2005

Type of Inspection:

- Announced
- Routine
- Initial

- Unannounced
- Special

Next Inspection Date 11/2006 Normal Reduced

Justification for reducing the routine inspection interval: **Inactive program; licensee had not used licensed material since the previous inspection**

Summary of Findings and Actions:

- No violations cited, clear U.S. Nuclear Regulatory Commission (NRC) Form 591 or regional letter issued
- Non-cited violations (NCVs)
- Violation(s), Form 591 issued
- Violation(s), regional letter issued
- Followup on previous violations

Inspector(s) 
Deborah A. Piskura

Date 11/10/2005

Approved 
John R. Madera, Chief, MIB

Date 11/10/05

PART I-LICENSE, INSPECTION, INCIDENT/EVENT, AND ENFORCEMENT HISTORY

1. AMENDMENTS AND PROGRAM CHANGES:
(License amendments issued since last inspection, or program changes noted in the license)

<u>AMENDMENT #</u>	<u>DATE</u>	<u>SUBJECT</u>
3	3/14/2003	License Renewal

2. INSPECTION AND ENFORCEMENT HISTORY:
(Unresolved issues; previous and repeat violations; Confirmatory Action Letters; and orders)

No violations were identified during the last inspection on 11/18/99. One violation (possession of RAM greater than the authorized possession limit on the license) was identified during the 1994 inspection.

3. INCIDENT/EVENT HISTORY:
(List any incidents, or events reported to NRC since the last inspection. Citing "None" indicates that regional event logs, event files, and the licensing file have no evidence of any incidents or events since the last inspection.) **NONE**

PART II - INSPECTION DOCUMENTATION

1. ORGANIZATION AND SCOPE OF PROGRAM:
(Management organizational structure; authorized locations of use, including field offices and temporary job sites; type, quantity, and frequency of material use; staff size; delegation of authority)

Indiana University-Purdue University Columbus was a small satellite campus of the Indiana University - Purdue University joint learning institution. Historically, one individual used C-14, H-3, P-32 and Ca-45 for *in-vitro* research and development. According to the RSO, the University possessed no RAM. According to the RSO, in 1999, the University transferred all RAM and waste for disposal (using the services of a waste broker).

During this limited-scope inspection, the inspector toured the research labs and radioactive waste storage room, interviewed licensee personnel, performed radiation surveys, and reviewed select records. The licensee's program was "inactive" at the time of this inspection. No byproduct material had been ordered or used since the previous inspection. The inspector informed the staff (who were unaware of the requirement) of the Decommissioning Timeliness Notification requirements since more than 2 years had passed from the last use of licensed material. The inspector also discussed the licensee's intent to use byproduct material. According to licensee representatives, the campus may become a "regional" campus which would in turn attract additional departments and faculty. The addition of faculty could bring additional research projects which may require the use of RAM. The licensee stated that it wished to maintain its NRC license. The inspector advised the University to file an amendment request "for storage only."

One violation of NRC requirements was identified during this inspection.

2. INSPECTION SCOPE

INSPECTION PROCEDURE(S) USED: **87126**

INSPECTION FOCUS AREAS: **03.01, 03.02, 03.04, 03.05, 03.06, and 03.07**

3. INDEPENDENT AND CONFIRMATORY MEASUREMENTS:

(Areas surveyed, both restricted and unrestricted, and measurements made; comparison of data with licensee's results and regulations; and instrument type and calibration date)

Direct radiation surveys were performed around the waste storage area, the research lab, the refrigerator, and on the lab bench surfaces. All radiation levels were indistinguishable from background, 0.02 mR/hr. No violations of NRC requirements were identified.

4. VIOLATIONS, NCVs, AND OTHER SAFETY ISSUES:

(State requirement and how and when licensee violated the requirement. For NCVs, indicate why the violation was not cited. Attach copies of all licensee documents needed to support violations.)

10 CFR 30.36(d) requires, in part, that licensees provide notification to the NRC in writing within 60 days of any of the following occurrences:

- (1) **The license has expired,**
- (2) **The licensee has decided to permanently cease principal activities at the entire site or in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with NRC requirements,**
- (3) **No principal activities under the license have been conducted for a period of 24 months, or**
- (4) **No principal activities have been conducted for a period of 24 months in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with NRC requirements.**

Contrary to the above, as of 1999, no principal activities have been conducted for a period of 24 months, and the licensee failed to notify the NRC in writing within 60 days of this occurrence. Specifically, the licensee did not notify the NRC of this occurrence until November 3, 2005.

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

5. PERSONNEL CONTACTED:

[Identify licensee personnel contacted during the inspection (including those individuals contacted by telephone).]

***# James Clack, Ph.D., RSO, Associate Professor, Biology
+ Gary Felsten, Ph.D, Division Head, Associate Professor, Psychology**

Use the following identification symbols:

Individual(s) present at entrance meeting

* Individual(s) present at exit meeting

+Individual contacted by telephone