

November 4, 2011

Andrew Schnabel, Ph.D.
Professor and Chair, Department of Biological Sciences
Indiana University at South Bend
1700 Mishawaka Avenue
South Bend, In 46634

SUBJECT: NRC ROUTINE INSPECTION REPORT 030-32677/11-01(DNMS) –
INDIANA UNIVERSITY AT SOUTH BEND AND NOTICE OF VIOLATION

Dear Dr. Schnabel:

On October 11, 2011, U.S. Nuclear Regulatory Commission (NRC) inspectors conducted a routine inspection at the Indiana University at South Bend. This was a routine inspection to review activities performed under your NRC license to ensure that activities were being performed in accordance with NRC requirements. The NRC inspectors held an exit meeting with your radiation safety officer (RSO) at the conclusion of the inspection.

The purpose of this inspection was to examine activities conducted under your license as they relate to public health and safety and to confirm compliance with the Commission's rules and regulations and with the conditions of your license.

Based on the results of this inspection, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. This violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation is cited in the enclosed Notice of Violation (Notice). The violation concerned the failure of the licensee to notify the NRC within 60 days in writing when no principal activities under the license have been conducted for a period of 24 months. This notification is required in accordance with Title 10 of the Code of Federal Regulations (CFR) 30.36(d). According to your staff, no principle activities have taken place as authorized by your NRC license number 13-26387-01 since January 2006. Your staff indicated the root cause of this violation was that they were not aware of the need to notify the NRC in writing when principle activities ceased.

The violation is cited in the enclosed Notice because the NRC identified it. 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.

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 Agencywide Documents Access and

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Management System (ADAMS), accessible from 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 or proprietary information so that it can be made available to the Public without redaction.

If you have any questions regarding this inspection please feel free to contact Mr. Bill Lin of my staff. Mr. Lin can be reached at 630-829-9829.

Sincerely,

/RA/

Tamara E. Bloomer, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-32677
License No. 13-26387-01

Enclosure:
Notice of Violation

cc (w/encl): Radiation Safety Officer-Ann Grens, Ph.D.
State of Indiana

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Tamara E. Bloomer, Chief
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Docket No. 030-32677
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Enclosure:
Notice of Violation

cc (w/encl): Radiation Safety Officer-Ann Grens, Ph.D.
State of Indiana

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NOTICE OF VIOLATION

Indiana University at South Bend
South Bend, Indiana 46634

Docket No. 030-32677
License No. 13-26387-01

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on October 11, 2011, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 Code of Federal Regulations (CFR) 30.36(d) requires, in part, that licensees provide notification to the NRC in writing within 60 days when no principal activities under the license have been conducted for a period of 24 months.

Contrary to the above, as of October 11, 2011, no principal activities have been conducted under Byproduct Material license No. 13-26387-01 for more than 24 months, and the licensee failed to notify the NRC within 60 days of this occurrence. Specifically, between January 2006 and October 11, 2011, no principal activities were conducted and the licensee failed to notify the NRC in writing within 60 days of February 1, 2008.

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

Pursuant to the provisions of 10 CFR 2.201, Indiana University at South Bend 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" 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, 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 content 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.

Because your response will be made available electronically for public inspection in the NRC Public Document room or from the NRC's Agencywide Documents Access and Management 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 with 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.

Enclosure

Notice of Violation

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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 2.390(b) to support a request for withholding confidential commercial or financial information).

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

Dated 4th of November 2011

Enclosure