



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

February 28, 2014

Dr. Robert Morris
Associate Provost for Research
Ball State University
2000 West University Avenue
Muncie, IN 47306

**SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03000700/2014001(DNMS) AND
NOTICE OF VIOLATION – BALL STATE UNIVERSITY**

Dear Dr. Morris:

On February 11, 2014, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection of the University's facilities. The purpose of the inspection was to review activities performed under the University's NRC license to ensure that activities were being performed in accordance with NRC requirements. Mr. Ryan Craffey of my staff held an onsite exit meeting with you and Dr. Mohammed Saiful Islam of your staff on February 11, 2014, to discuss the inspection findings.

During this inspection, the NRC staff examined activities conducted under the license related to public health and safety. Additionally, the staff examined the University's 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 two 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 concerned the University's failure to conduct a physical inventory every six months, as required by Condition 18 of NRC License Number 13-06231-01, and the University's failure to notify the NRC in writing within 60 days that no principal activities under the license had been conducted for a period of 24 months, as required by Title 10 of the *Code of Federal Regulations* (CFR) Part 30.36(d)(3). The violations are cited in the enclosed Notice of Violation (Notice). The NRC is citing the violations in the Notice, because the inspector identified the violations.

The inspector determined that the root cause of the violation of license condition 18 was an oversight, and the root cause of the violation of 10 CFR 30.36(d)(3) was a lack of understanding of NRC requirements. As corrective actions to restore compliance and to prevent recurrence of a similar violation of License Condition 18, the University's Radiation Safety Officer (RSO) conducted a physical inventory during the course of the inspection, and committed to revise the documentation for physical inventories. As corrective actions to restore compliance and to prevent recurrence of a similar violation of 10 CFR 30.36(d)(3), the RSO committed to submit the required notification to the NRC.

Dr. R. Morris

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The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance will be achieved is already adequately addressed on the docket in this letter. Therefore, the University is not required to respond to this letter unless the description herein does not accurately reflect the University's corrective actions or its position. In that case, or if the University chooses to provide additional information, it should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and the University's response, if it chooses to provide one, 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.

Please feel free to contact Ryan Craffey of my staff if you have any questions regarding this inspection. Mr. Craffey can be reached at 630-829-9655.

Sincerely,

/RA/

Aaron T. McCraw, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-00700
License No. 13-06231-01

Enclosure:
Notice of Violation

cc w/encl: Mohammed Saiful Islam, Ph.D.
Radiation Safety Officer
State of Indiana

Dr, R. Morris

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The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance will be achieved is already adequately addressed on the docket in this letter. Therefore, the University is not required to respond to this letter unless the description herein does not accurately reflect the University's corrective actions or its position. In that case, or if the University chooses to provide additional information, it should follow the instructions specified in the enclosed Notice.

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Please feel free to contact Ryan Craffey of my staff if you have any questions regarding this inspection. Mr. Craffey can be reached at 630-829-9655.

Sincerely,

/RA/

Aaron T. McCraw, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-00700
License No. 13-06321-01

Enclosure: Notice of Violation

cc w/encl: Mohammed Saiful Islam
Radiation Safety Officer
State of Indiana

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NOTICE OF VIOLATION

Ball State University
Muncie, IN

License No. 13-06231-01
Docket No. 030-00700

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on February 11, 2014, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Condition 18 of NRC License Number 13-06231-01 requires, in part, that the licensee conduct a physical inventory every six months to account for all sources and/or devices received and possessed under the license.

Contrary to the above, between December 8, 2012 and February 11, 2014, the licensee failed to conduct a physical inventory every six months. Specifically, the licensee has not conducted a physical inventory since last performing one on June 8, 2012.

This is a Severity Level IV violation (section 6.3.D.3).

- B. Title 10 of the *Code of Federal Regulations* (CFR) Part 30.36(d)(3) requires, in part, that within 60 days of occurrence, each licensee shall provide notification to the NRC in writing if no principle activities under the license have been conducted for a period of 24 months.

10 CFR Part 30.4 defines *principal activities* as activities authorized by the license which are essential to achieving the purpose(s) for which the license was issued or amended.

Contrary to the above, on November 15, 2010, the licensee failed to notify the NRC in writing, within 60 days of occurrence, that no principal activities under the license had been conducted for a period of 24 months. Specifically, since September 16, 2008, the licensee has not used any unsealed quantities of radioactive material for research and development – the principle activity as authorized by Condition 9 of the University's license – and did not notify the NRC within 60 days of September 16, 2010.

This is a Severity Level IV violation (Section 6.9).

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in the letter transmitting this Notice. However, the University is required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect its corrective actions or its position. In that case, or if the University chooses to respond, clearly mark the response as a "Reply to a Notice of Violation, IR 03000700/2014001(DNMS) " and send it 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.

If the University chooses to respond, its 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>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

If the University contests this enforcement action, it should also provide a copy of its response, with the basis for its denial, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

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

Dated this 28th day of February, 2014.