



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

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

May 7, 2015

Mr. Jerry Carlson, CEFP  
Director of Maintenance Services  
Butler University  
4600 Sunset Avenue  
Indianapolis, IN 46208

**SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03000693/2015001(DNMS) AND  
NOTICE OF VIOLATION – BUTLER UNIVERSITY**

Dear Mr. Carlson:

On March 20, 2015, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection at your Indianapolis, Indiana campus, with continued in-office review through April 16, 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 records that were not immediately available during the on-site inspection. Ms. Deborah A. Piskura of my staff conducted a final exit meeting with Mr. Craig Barnhart of your staff by telephone on April 16, 2015, to discuss the inspection findings.

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 one Severity Level IV violation of NRC requirements occurred. The violation was 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 violation concerned the licensee's failure to notify the NRC in writing within 60 days after no principal activities had been conducted under the license for a period of 24 months, as required by Title 10 of the *Code of Federal Regulations* (CFR) Part 30.36. The violation is cited in the enclosed Notice of Violation (Notice). The NRC is citing the violation in the Notice because the inspector identified the violation.

The inspector determined that the root cause of the violation was a lack of understanding of the requirement. It is our understanding that you have no immediate plans for future use of licensed material and filed a request with the NRC's Region III Materials Licensing Branch to amend your NRC license for storage only. Your amendment request was received on April 23, 2015.

J. Carlson

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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 will be achieved is already adequately addressed on the docket in this letter. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you 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 your response, if you choose 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, your 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 Ms. Piskura of my staff if you have any questions regarding this inspection. Ms. Piskura can be reached at 630-829-9867.

Sincerely,

*/RA/*

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

Docket No. 030-00693  
License No. 13-01865-02

Enclosure:  
Notice of Violation

cc w/encl: Craig Barnhart, Radiation Safety Officer  
State of Indiana

J. Carlson

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Sincerely,

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

Docket No. 030-00693  
License No. 13-01865-02

Enclosure:  
Notice of Violation

cc w/encl: Craig Barnhart, Radiation Safety Officer  
State of Indiana

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NAME	DPiskura:ps		AMcCraw				
DATE	05/07/15.		05/07/15				

**OFFICIAL RECORD COPY**

## NOTICE OF VIOLATION

Butler University  
Indianapolis, Indiana

License No. 13-01865-02  
Docket No. 030-00693

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on March 20, 2015, with continued in-office review through April 16, 2015, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of the *Code of Federal Regulations* (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 March 20, 2015, the licensee failed to notify the NRC in writing within 60 days of no principal activities under the license have been conducted for a period of 24 months. Specifically, the licensee has not conducted principal activities under NRC License No. 13-01865-02 since 2011, a period greater than 24 months.

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

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 (this letter, the subject inspection report, etc.). However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, IR 03000693/2015001(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 you choose to respond, 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's website at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response

Enclosure

should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public 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 7<sup>th</sup> day of April 2015.