



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION IV
1600 E. LAMAR BLVD.
ARLINGTON, TX 76011-4511

March 23, 2016

Dr. Gary L. Yarrow
Radiation Safety Officer
South Dakota State University
SAV 143; P.O. Box 2202
Brookings, SD 57007-0896

SUBJECT: NRC INSPECTION REPORT 030-13079/2016-001 AND NOTICE OF VIOLATION

Dear Dr. Yarrow:

This letter refers to the routine, unannounced inspection conducted on January 27, 2016, at the South Dakota State University (SDSU) campus in Brookings, South Dakota. The inspection was an examination of activities conducted under your license as they relate to public health and safety, to confirm compliance with the Nuclear Regulatory Commission's (NRC) rules, regulations, and with the conditions of your license. Within these areas, the inspection consisted of a selected examination of procedures and representative records, observations of licensed activities, independent radiation measurements, and interviews with personnel. On January 27, 2016, at the conclusion of the onsite portion of the inspection, the inspectors discussed the preliminary inspection findings with you. A final exit briefing was conducted telephonically with you on March 14, 2016.

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 Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation involved the failure to have a lock or outer locked container on two portable gauges when they were in storage. The violation is being cited in the enclosed Notice of Violation (Notice) because the NRC identified the violation during the inspection.

The NRC has concluded that information regarding: (1) the reason for the violation; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in a letter to the NRC dated February 17, 2016 (ML16069A179), and an amendment request dated February 3, 2016 (ML16061A215). 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 "Agency Rules of Practice and Procedure," 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 Public Document Room or from the NRC's Agencywide Documents Access and Management 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 or proprietary information so that it can be made available to the Public without redaction.

Should you have any questions regarding this letter or the enclosed Notice, please contact Janine F. Katanic, PhD, CHP, at 817-200-1151 or the undersigned at 817-200-1191.

Sincerely,

/RA by JLThompson Acting For/

Ray L. Kellar, P.E., Chief
Nuclear Materials Safety Branch A
Division of Nuclear Materials Safety

Docket No: 030-13079
License No: 40-02194-17

Enclosure:
Notice of Violation (Notice)

cc: State of South Dakota, Radiation Control Program Director

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.

Should you have any questions regarding this letter or the enclosed Notice, please contact Janine F. Katanic, PhD, CHP, at 817-200-1151 or the undersigned at 817-200-1191.

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cc: State of South Dakota, Radiation Control Program Director

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NOTICE OF VIOLATION

South Dakota State University
Brookings, South Dakota

Docket No: 030-13079
License No: 40-02194-17

During an NRC inspection conducted on January 27, 2016, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

License Condition 25 of NRC License 40-02194-17, Amendment No. 21, requires, in part, that each portable nuclear gauge shall have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position. The gauge or its container must be locked when in transport, storage, or when not under the direct surveillance of an authorized user.

Contrary to the above, on January 27, 2016, the licensee failed to have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position. Specifically, two portable nuclear gauges were observed without a lock on the gauge or the gauge container and the gauges were in the licensee's storage area and not under the direct surveillance of an authorized user.

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 a letter to the NRC dated February 17, 2016 (ML16069A179), and an amendment request dated February 3, 2016 (ML16061A215). 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" 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 IV, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or in 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>. Therefore, to the extent possible, the response should not include any personal privacy or proprietary information so that it can be made available to the Public without redaction.

Dated this 23rd day of March 2016

Enclosure