

~~Official Use Only Security Related Information~~



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION IV  
1600 E. LAMAR BLVD.  
ARLINGTON, TX 76011-4511

April 11, 2016

EA-16-033

Dr. Cornelius J. Van der Schyf  
Vice President for Research  
Idaho State University  
Office for Research  
921 S. 8<sup>th</sup> Avenue  
Pocatello, Idaho 83209

SUBJECT: NRC INSPECTION REPORT 030-32322/2015-001; AND NOTICE OF VIOLATION

Dear Dr. Van der Schyf:

This letter refers to the routine, unannounced inspection conducted during May 19-22, 2015, of your licensed activities at various locations on the Idaho State University main campus in Pocatello, Idaho, and several off-campus locations including the Idaho Accelerator Center and the Research and Innovation for Science and Engineering Facility, both located in Pocatello, Idaho. This inspection examined activities conducted under your license as they relate to safety and compliance with the U.S. Nuclear Regulatory Commission's (NRC's) rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of an examination of selected procedures and representative records, observations of activities, independent radiation measurements, and interviews with personnel. The inspectors discussed the preliminary inspection findings with Mr. Farina, Drs. Kunze, Dunzik-Gaugar, and Hunt, and you on May 21, 2015. A final exit briefing was conducted telephonically with Mr. Farina, Dr. Khandaker, and you on April 5, 2016.

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 which can be found at the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. One of the violations involved the security requirements found in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 37. The other violation involved the lack of a required tamper seal on a plutonium-241 source. The violations are cited in the enclosed non-public Notice of Violation (Notice) because they were identified by the NRC during the inspection.

The Enclosure contains Sensitive Unclassified Non-Safeguards Information.  
When separated from the Enclosure, this letter is decontrolled.

~~Official Use Only Security Related Information~~

~~Official Use Only Security Related Information~~

C. Van der Schyf

- 2 -

You are required to respond to this letter and must follow the instructions specified in the enclosed Notice when preparing your response. The guidance in NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be helpful. You can find the Information Notice on the NRC website at:

<https://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>.

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 (was) achieved should be addressed. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

The enclosed Notice contains Security-Related Information under 10 CFR 2.390(d)(1), and its disclosure to unauthorized individuals could present a security vulnerability. Therefore, the material in the enclosure will not be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agencywide Document Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If Security-Related Information is necessary to provide an acceptable response, please mark your entire response Security-Related Information in accordance with 10 CFR 2.390(d)(1) and follow the instructions for withholding in 10 CFR 2.390(b)(1). In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response.

If you have any questions concerning this matter, please contact Janine F. Katanic, PhD, CHP, or my staff at 817-200-1151 or the undersigned at 817-200-1191.

Sincerely,

/RA/

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

Docket No: 030-32322  
License No: 11-27380-01

Enclosure:  
Notice of Violation

cc: See next page

~~Official Use Only Security Related Information~~

C. Van der Schyf

- 2 -

You are required to respond to this letter and must follow the instructions specified in the enclosed Notice when preparing your response. The guidance in NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be helpful. You can find the Information Notice on the NRC website at:

<https://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>.

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 (was) achieved should be addressed. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

The Enclosed Notice contains Security-Related Information under 10 CFR 2.390(d)(1), and its disclosure to unauthorized individuals could present a security vulnerability. Therefore, the material in the enclosure will not be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agencywide Document Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If Security-Related Information is necessary to provide an acceptable response, please mark your entire response Security-Related Information in accordance with 10 CFR 2.390(d)(1) and follow the instructions for withholding in 10 CFR 2.390(b)(1). In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response.

If you have any questions concerning this matter, please contact Janine Katanic, PhD, CHP, of my staff at 817-200-1151 or the undersigned at 817-200-1191.

Sincerely,

**/RA/**

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

Docket No: 030-32322  
License No: 11-27380-01

Enclosure:  
Notice of Violation

cc: See next page  
Distribution: See next page

ADAMS ACCESSION NUMBER – PUBLIC LETTER: ML16099A199  
ADAMS ACCESSION NUMBER – NON-PUBLIC LETTER W/Enclosure: ML16092A108

<b>Cover Letter (w/o Enclosure)</b> X SUNSI Review by: JFK	ADAMS X Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Publicly Available <input type="checkbox"/> Non-Publicly Available	<input checked="" type="checkbox"/> Non-Sensitive <input type="checkbox"/> Sensitive	Keyword: N/A
<b>Cover Letter (w/ Enclosure)</b> X SUNSI Review by: JFK	ADAMS X Yes <input type="checkbox"/> No	<input type="checkbox"/> Publicly Available <input checked="" type="checkbox"/> Non-Publicly Available	<input type="checkbox"/> Non-Sensitive <input checked="" type="checkbox"/> Sensitive	Keyword: MD A.3
OFFICE	RIV:NMSB-A	RIV:FCDB	RIV:C:NMSB-A	RIV:ACES
NAME	JFKatanic	GASchlapper	RLKellar	JGKramer
SIGNATURE	/RA/	/RA/	/RA/	/RA/
DATE	04/04/16	04/04/16	04/11/16	04/07/16

OFFICIAL RECORD COPY

**~~Official Use Only~~ Security Related Information**

Letter to Dr. Cornelius J. Van der Schyf from Mark R. Shaffer dated April 11, 2016

SUBJECT: NRC INSPECTION REPORT 030-32322/2015-001; AND NOTICE OF VIOLATION

cc: Mr. Peter Farina  
Radiation Safety Officer  
Idaho State University  
Technical Safety Office  
921 S. 8<sup>th</sup> Avenue, Stop 8106  
Pocatello, Idaho 83209-8106

State of Idaho Radiation Control Program Director

DISTRIBUTION:

K. Kennedy, DRA:RIV	M. Shaffer, D:DNMS
L. Howell, DD:DNMS	R. Kellar, C:NMSB-A
R4DNMS_MS-A	R4DNMS_MS-B
R4_Enforcement	O. Font, NRR

**~~Official Use Only~~ Security Related Information**