



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352

January 4, 2019

Mr. David Ellis
Director, Office of Environmental Safety
Indiana State University
200 North 7th Street
Terre Haute, IN 47809

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03000706/2018001(DNMS) AND
NOTICE OF VIOLATION – INDIANA STATE UNIVERSITY

Dear Mr. Ellis:

On August 30, 2018, inspectors from the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection at the campus of Indiana State University, with continued in-office review through December 6, 2018. 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 research and evaluation of a plutonium-239 calibration source currently in your possession. Messrs. Ryan Craffey and Jason Draper of my staff conducted a final exit meeting by telephone with you on December 10, 2018, to discuss the inspection findings. This letter presents the results of the inspection.

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 four 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 involved: (1) the licensee's failure to test a cesium-137 sealed source for leakage and/or contamination at intervals not to exceed six months, as required by Condition 12.A of NRC License No. 13-09639-05 (your license); (2) the licensee's failure to conduct a physical inventory every six months to account for all sources and/or devices received and possessed under your NRC license, as required by Condition 15 of your license; (3) the licensee's failure to review the content and implementation of the radiation safety program at least annually, as required by Title 10 of the *Code of Federal Regulations* (CFR) 20.1101(c); and (4) the licensee's failure to timely notify the NRC of the lack of principal activities under your license for a period exceeding 24 months, as required by 10 CFR 30.36(d)(3). The violations are cited in the enclosed Notice of Violation (Notice). The NRC is citing the violations in the enclosed Notice because the inspectors identified them.

The inspectors determined that the root cause of the first three violations was a lack of attention to implementing the radiation safety program, with the absence of any principal activities a contributing factor. The inspectors determined that the root cause of the fourth violation was a lack of awareness of certain NRC requirements. As corrective actions to restore compliance and to prevent recurrence, you: (1) on December 12, 2018, submitted a leak test for the Cs-137 sealed source in your possession for analysis, and on December 18, 2018, confirmed the absence of leakage and/or contamination; (2) on September 24, 2018, performed a physical inventory of all sources and devices possessed under the license and set calendar reminders to perform future inventories at the required frequency; (3) on October 16, 2018, completed a review of the content and implementation of your radiation safety program and set calendar reminders to perform future audits at the required frequency; and (4) on October 11, 2018, submitted notification of the lack of principal activities to the NRC and requested that your license be placed in standby.

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 was or 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 any response you provide 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, any 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 Mr. Craffey or Mr. Draper if you have any questions regarding this inspection. Mr. Craffey can be reached at 630-829-9655, and Mr. Draper can be reached at 630-829-9839.

Sincerely,

/RA/

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

Docket No. 030-00706
License No. 13-09639-05

Enclosure:
Notice of Violation

cc w/encl: State of Indiana

Letter to David Ellis from Aaron T. McCraw, dated January 4, 2019.

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03000706/2018001(DNMS) AND
NOTICE OF VIOLATION – INDIANA STATE UNIVERSITY

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OFFICE	RIII-DNMS	C	RIII-DNMS	C	RIII-DNMS	C	RIII	
NAME	RCraffey:ps		JDraper		AMcCraw			
DATE	12/31/2018		1/3/2019		1/4/2019			

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Indiana State University
Terre Haute, Indiana

License No. 13-09639-05
Docket No. 030-00706

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on August 30, 2018, with continued in-office review through December 6, 2018, four violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Condition 12.A of NRC Materials License No. 13-09639-05 states, in part, that sealed sources containing licensed material shall be tested for leakage and/or contamination at intervals not to exceed six months.

Contrary to the above, as of January 2014, the licensee failed to test a sealed source for leakage at intervals not to exceed six months. Specifically, in the fall of 2014, the licensee used a 9.5-millicurie cesium-137 sealed source that had not been tested for leakage since July 2013 – a period that exceeded six months.

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

- B. Condition 15 of NRC Materials License No. 13-09639-05 states, in part, that the licensee shall 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, as of August 30, 2018, the licensee failed to conduct a physical inventory within the last six months to account for all sources and/or devices received and possessed under the license.

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

- C. Title 10 of the *Code of Federal Regulations* (CFR) 20.1101(c) requires that each licensee shall periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, as of August 30, 2018, the licensee failed to periodically (at least annually) reviewed the radiation protection program content and implementation. Specifically, the licensee last reviewed the radiation protection program content and implementation in July 2013 – a period that exceeded annually.

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

- D. Title 10 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

Enclosure

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 early 2017, the licensee failed to notify the NRC in writing within 60 days of the occurrence of no principal activities under the license being conducted for a period of 24 months. Specifically, the licensee last conducted principal activities under the license in the fall of 2014.

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 or will be achieved is already adequately addressed on the docket in the letter transmitting this Notice of Violation (Notice). 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 03000706/2018001(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 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.

If you choose to respond, your 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>. To the extent possible, any response should not include any personal privacy, proprietary, or safeguards information so that it can be made publicly available without redaction.

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

Dated this 4th day of January 2019.