

UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

December 22, 1997

EA 97-509

James W. Abbott, President
University of South Dakota
School of Medicine
414 East Clark Street
Vermillion, South Dakota 57069-2390

SUBJECT: NOTICE OF VIOLATION
(NRC Inspection Report No. 030-15186/97-01)

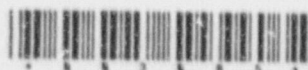
Dear Mr. Abbott:

This refers to the predecisional enforcement conference conducted on December 15, 1997, in the NRC's Arlington, Texas office. The conference was conducted to discuss several apparent violations of NRC requirements identified during an NRC inspection completed November 7, 1997. An inspection report describing the apparent violations was issued on November 24, 1997.

Based on the information developed during the inspection, our consideration of information your representatives provided during the conference, as well as our consideration of your response to the inspection report provided in a December 10, 1997 letter, the NRC has determined that violations of NRC requirements occurred. These violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them were described in detail in the inspection report. Please note that the violations being cited differ from the apparent violations in the following respect: We are not citing the apparent violation of 10 CFR 20.1101(d), involving the need to estimate exposures to members of the public from airborne emissions. This apparent violation is not being cited based on the non-volatile type and form of radioactive materials that were used in vented hoods.

The remaining violations include failures to: 1) secure radioactive materials against unauthorized removal; 2) conduct quarterly radiation safety program reviews with the university president; 3) assure, through the appointed radiation safety officer (RSO), that activities were being conducted in accordance with all requirements; 4) hold radioactive waste for 10 half-lives prior to disposal; 5) use only radiation survey instruments calibrated at six-month intervals; 6) conduct physical inventories of radioactive sources at six-month intervals; 7) assure that all purchases of radioactive materials were approved in advance by the RSO; 8) provide annual radiation exposure reports to workers; and 9) provide radiation safety training to housekeeping and security personnel.

While none of these violations appears to have resulted in actual radiation safety consequences, they are indicative of a breakdown in the radiation safety program which, if not corrected, has the potential to cause radiation safety incidents. For example, the failure to conduct inventories of radioactive sources has in other cases resulted in sources being lost or disposed of



improperly. Therefore, these violations have been categorized collectively at Severity Level III in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600.

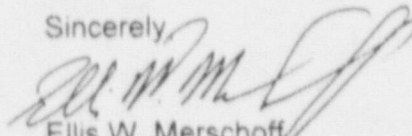
In accordance with the Enforcement Policy, a civil penalty with a base value of \$2,750 is considered for a Severity Level III problem. Because your facility has not been the subject of escalated enforcement actions within the last two NRC inspections, the NRC considered whether credit was warranted for Corrective Action in accordance with the civil penalty assessment process in Section VI.B.2 of the Enforcement Policy. In your December 10, 1997, letter and at the conference, corrective actions were described which addressed not only the individual violations, but the universal efforts to assure continued compliance with NRC requirements through a renewed commitment to the radiation safety program. While the NRC finds the actions you have taken to date adequate, and therefore deserving of corrective action credit, we recommend that you revisit your commitment of resources during your quarterly meetings with the FISO to assure that it is sufficient to maintain compliance.

Therefore, to encourage prompt and comprehensive correction of violations, and in recognition of the absence of previous escalated enforcement action, I have been authorized, not to propose a civil penalty in this case. However, similar violations in the future could result in a civil penalty. In addition, issuance of this Severity Level III problem constitutes escalated enforcement action which may subject you to increased inspection effort.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In addition to describing actions to correct the individual violations, you should document those actions that you are taking to assure continued oversight of the radiation safety program and to avoid further neglect as was evidenced by our inspection findings. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response will be placed in the NRC Public Document Room (PDR).

Sincerely,



Ellis W. Merschoff
Regional Administrator

Docket No. 030-15186
License No. 40-02331-19

Enclosure: Notice of Violation

cc w/Enclosure: State of South Dakota

bcc w/Enclosure:

PDR
NUDOCS
SECY
CA
EDO (O-17G21)
DEDO (O-17G21)
OE (O-7H5)
GOLDBERG, OGC (O-15B18)
NMSS (T-8A23)
OC/DAF (T-9E10)
RA Reading File
RIV Files
PAO
DNMS F, _
SPITZBERG

IE 07

EC's: RI, RII, RIII
PA (O-2G4)
OIG (T-5D28)
OI (O-3E4)
OE:EAFile (O-7H5)
CHANDLER, OGC (O-15B18)
NMSS (T-8F5)
OC/LFDCB (T-9E10)
GSanborn-EAFile
MIS Coordinator
RSLO

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