

NOTICE OF VIOLATION

Ball State University
Muncie, IN 47306

License No. 13-06231-01
Docket No. 030-00700

During an NRC inspection conducted on September 24, 1996 with continued in-office review through January 10, 1997, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

1. License Condition 20 requires that the licensee conduct its program in accordance with the statements, representations, and procedures contained in an application dated April 24, 1992 and several referenced letters including a letter dated July 13, 1992.

Item 8 of letter dated July 13, 1992, entitled "Area Survey Program" requires that users survey their work areas weekly when radioactive materials are being used to assure there is no radioactive contamination.

Contrary to the above, not all users conducted weekly surveys of their work areas when radioactive materials were being used. Specifically, surveys were not conducted weekly in laboratory CL31 between May 28, 1996 and September 20, 1996, a period of time when tritium was regularly used.

This is a Severity Level IV violation (Supplement VI).

2. License Condition 14 requires that the licensee conduct a physical inventory every 6 months to account for all sources and/or devices received and possessed under the license.

Contrary to the above, over approximately the last two years through the day of the inspection on September 24, 1996, the licensee failed to physically inventory twelve tritium targets and six electroplated plutonium sources that have been stored in laboratory CP52.

This is a Severity Level IV violation (Supplement VI).

3. 10 CFR 20.1801 requires that the licensee secure from unauthorized removal or access licensed material that is stored in unrestricted areas. 10 CFR 20.1802 requires that the licensee control and maintain constant surveillance of licensed material that is in a controlled or unrestricted area and that is not in storage. As defined in 10 CFR 20.1003, unrestricted area means an area, access to which is neither limited nor controlled by the licensee.

Contrary to the above, on September 24, 1996, the licensee did not secure from unauthorized removal or access licensed materials that were stored in unlocked refrigerators and waste receptacles, within an unlocked and unattended research laboratory. Specifically, laboratory No. 215 in the Maria Bingham Building stored 107 microcuries of chromium-51 in a refrigerator and smaller quantities of chromium-51, tritium and phosphorus-32 solid and liquid wastes. The laboratory and licensed materials stored therein were readily accessible to the inspector and therefore the area was unrestricted.

This is a Severity Level IV violation (Supplement IV).

4. License Condition 20 requires that the licensee conduct its program in accordance with the statements, representations, and procedures contained in an application dated April 24, 1992 and several referenced letters including a letter dated June 30, 1992.

Item 9 of letter dated June 30, 1992, entitled "Personnel Monitoring," specifies that film badges are issued to all occupational workers using gamma emitters or phosphorus-32.

Page 20 of Application dated April 24, 1992 in the section entitled "Film Badge Service," specifies that film badges are exchanged for vendor processing once a month.

Contrary to the above, not all film badges issued to researchers have been exchanged on a monthly basis. Specifically, on September 24, 1996, a researcher in laboratory No. 215 of the Maria Bingham Building, a user of both gamma emitters and phosphorus-32, continued to use a film badge issued in March 1996.

This is a Severity Level IV violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, Ball State University is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region III, 801 Warrenville Road, Lisle, Illinois 60532-4351 within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is

not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Dated at Lisle, Illinois
this 17th day of January 1997