

APPENDIX A

NOTICE OF VIOLATION

South Dakota State University

Docket No.: 30-13079
License No.: 40-02194-17

During an NRC inspection conducted on June 26, 1985, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1985), the violations are listed below:

1. 10 CFR 20.201(b) requires that each licensee shall make or cause to be made such surveys as necessary to comply with 10 CFR Part 20. 10 CFR 20.105 specifies the radiation levels permissible in an unrestricted area.

Contrary to this requirement, on the date of inspection, radiation measurements had not made in the unrestricted area, outside room 09E, in order to evaluate and show compliance with the limits stated in 10 CFR 20.105. Room 09E is an area used to store sources and perform classroom demonstrations.

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

2. License Condition 13 requires that each sealed source containing licensed material, other than hydrogen-3, with a half-life greater than 30 days and in any form other than gas, shall be tested for leakage and/or contamination at intervals not to exceed 6 months.

Contrary to this condition, cobalt sources, serial numbers 1234 and 402, have not been tested from 1983 to the time of the inspection, although they have been used during this period.

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

3. License Condition 23 requires that licensed activities shall be conducted in accordance with statements, representations, and procedures contained in the application dated June 14, 1983; letters dated November 9, 1983, January 18, 1984, and June 29, 1984.
 - a. Item 12, page 17 of the information appended to the application dated June 14, 1983, states that film badges are routinely made available to all who use byproduct material.

Contrary to this requirement, on the date of inspection, individuals in Room 153 of the Animal Science Complex were using gamma emitting radioisotopes without the use of personnel monitoring.

- b. Item 15D states that smear tests will be performed in work areas to detect contamination.

Contrary to this requirement, smear tests had not been performed in Room 152 of the Animal Science Complex from September 1983 to the time of inspection.

- c. Page A3 of the information appended to the application dated June 14, 1983, states that the Radiation Protection Officer will make inspections of user work areas, a minimum of two times each year.

Contrary to this requirement, the Radiation Protection Officer stated that he had been unable to visit all work areas the required two times per year.

- d. Page A3 of the information appended to the application dated June 14, 1983, states that the Radiation Protection Officer will maintain records of semi-annual inventories of byproduct material possessed by each user.

Contrary to this requirement, inventories were not maintained for the period June 14, 1983, to the time of the inspection.

- e. Item 15 D, page 45, states that records shall be maintained of the dates and results of smear tests for contamination.

Contrary to this requirement, at the time of inspection, such records were not maintained by the user in Room 153 of the Animal Science Complex.

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

- 4. 10 CFR 30.51(a) requires that each person who receives byproduct material pursuant to a license issued pursuant to the regulations in 10 CFR 30 through 35, shall keep records showing the receipt, transfer, and disposal of such byproduct material.

Contrary to this requirement, at the time of inspection, records of disposal were not available in Room 152 of the Animal Science Complex where materials were disposed through the sanitary sewage system.

This is a Severity Level V Violation (Supplement VI).

5. 10 CFR 71.5(a) requires, in part, that no licensee shall transport any licensed material outside the confines of his plant or other place of use, or deliver any licensed material to a carrier for transport, unless the licensee complies with applicable requirements of the regulations appropriate to the mode of transport, of the Department of Transportation in 49 CFR Parts 170-189.

- a. 49 CFR 173.394(a)(1) requires, in part, that each shipper of a Specification 7A package must maintain on file a complete certification and supporting safety analysis demonstrating that the construction methods, package design, and materials of construction are in compliance with the specification.

Contrary to this requirement, the licensee did not have the Specification 7A package certification for Type A quantities of licensed material shipped on public highways in the State of South Dakota.

- b. 49 CFR 173.398(a), Note 1, requires, in part, that each shipper of special form radioactive material shall maintain on file for at least one year after the last shipment, a complete certification and supporting safety analysis demonstrating that the special form material meets the requirements of paragraph (a) of that section.

Contrary to this requirement, the licensee did not have the certification for special form radioactive material transported on public highways in the State of South Dakota.

This is a Severity Level V Violation (Supplement V).

Pursuant to the provisions of 10 CFR 2.201, South Dakota State University is hereby required to submit to this office within 30 days of the date of the letter transmitting this Notice, a written statement or explanation in reply, including for each violation: (1) the reason for the violations if admitted, (2) the corrective steps which have been taken and the results achieved, (3) the corrective steps which will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Where good cause is shown, consideration will be given to extending the response time.

Dated at Arlington, Texas,
this 4th day of September, 1985.