

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED: South Dakota Science & Technology Authority 630 E. Summit Street Lead, SD REPORT NO.: 2020-001		2. NRC/REGIONAL OFFICE U.S. Nuclear Regulatory Commission Region IV, 1600 East Lamar Blvd Arlington, Texas 76011-4511	
3. DOCKET NUMBER 030-38681	4. LICENSE NUMBER 40-35101-01	5. DATE(S) OF INSPECTION May 28 – June 26, 2020	

LICENSEE:

The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Nuclear Regulatory Commission (NRC) rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector. The inspection findings are as follows:

- ☐ 1. Based on the inspection findings, no violations were identified.
- ☐ 2. Previous violation(s) closed.
- ☒ 3. The violation(s), specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is being taken, and the remaining criteria in the NRC Enforcement Policy to exercise discretion, were satisfied.

1 Non-Cited Violation(s) was/were discussed involving the following requirement(s) and Corrective Action(s):

10 CFR 30.41(a) requires that no licensee shall transfer byproduct material except as authorized pursuant to 10 CFR 30.41. Contrary to the above, on or about October 2, 2017, the licensee failed to transfer byproduct material as authorized pursuant to 10 CFR 30.41. Specifically, the licensee self-identified that it mistakenly transferred a one micro-curie thorium-228 calibration source (Eckert & Ziegler, AF Series, SSD&R CA-0406-S-117-S) to an unintended recipient, an organization that did not meet any of the categories of authorized transferees as provided in 10 CFR 30.41. The licensee corrected the violation by ensuring the source was sent to the authorized intended recipient and has revised their shipping procedures to prevent reoccurrence. This is a non-cited violation in accordance with Section 2.3.3(b) of the Enforcement Policy.

- ☒ 4. During this inspection certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11.

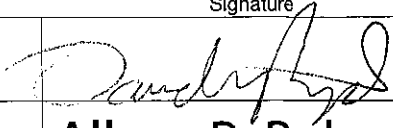
10 CFR 71.5(a) requires that each licensee who transports licensed material outside the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, shall comply with the applicable requirements of the DOT regulations in 49 CFR parts 107, 171 through 180, and 390 through 397, appropriate to the mode of transport. 49 CFR 172.702(a) requires that a hazmat employer shall ensure that each of its hazmat employees is trained in accordance with the requirements prescribed in 49 CFR 172, Subpart H, "Training." 49 CFR 172.702(b) requires, in part, that a hazmat employee who performs any function subject to the requirements of 49 CFR Part 172 may not perform that function unless instructed in the requirements of this subchapter.

Contrary to the above, on or about August 31, 2017, and October 2, 2017, the licensee failed to ensure that a hazmat employee, who performed functions subject to the requirements of 49 CFR Part 172, was trained in accordance with 49 CFR 172, Subpart H. Specifically, a hazmat employee performed the functions of preparing Class 7 (Radioactive) hazardous material shipments for transport by a carrier without having been trained in accordance with the requirements prescribed in 49 CFR 172, Subpart H.

This is a Severity Level IV violation (Section 6.3.d.4). The licensee's immediate corrective actions include not allowing individuals to perform any function subject to the requirements of 49 CFR Part 172 prior to receiving hazmat training. Hazmat training, meeting the requirements of 49 CFR Part 172, will be completed for required licensee personnel by July 31, 2020, to achieve full compliance.

Licensee's Statement of Corrective Actions for Item 4, above.

I hereby state that, within 30 days, the actions described by me to the inspector will be taken to correct the violations identified. This statement of corrective actions is made in accordance with the requirements of 10 CFR 2.201 (corrective steps already taken, corrective steps which will be taken, date when full compliance will be achieved). I understand that no further written response to NRC will be required, unless specifically requested.

Title	Printed Name	Signature	Date
LICENSEE'S REPRESENTATIVE	David Rynders, RSO		6 Jul 2020
NRC INSPECTOR	Allyce B. Bolger	Allyce B. Bolger	Digitally signed by Allyce B. Bolger Date: 2020.07.02 12:47:18 -05'00'
BRANCH CHIEF	Patricia A. Silva		