

October 3, 2007

EA-07-028

Thomas F. George, Chancellor
The Curators of the University of Missouri
8001 Natural Bridge Road
St. Louis, Missouri 63121-4999

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 030-32694/2007-001(DNMS),
INVESTIGATION REPORT 3-2007-013 AND NOTICE OF VIOLATION

Dear Mr. George:

This refers to the inspection conducted on February 14 and 16, 2007, with continuing NRC in-office review through February 21, 2007, at the Curators of the University of Missouri facility in St. Louis, Missouri. The NRC in-office review included examination of the licensee's analysis of an unknown liquid that was identified by the inspector in an area where radioactive material was stored. This also refers to the Office of Investigations (OI) investigation conducted between March 12 and August 28, 2007, and our review of the OI investigation report was completed on September 12, 2007.

The inspection examined activities conducted under your license as they related to safety and compliance with the Commission's rules and regulations and with 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. The investigation was to review circumstances surrounding the unavailability of certain records required to be maintained by the licensee.

Based on the results of the inspection and investigation, the NRC has determined that six Severity Level IV violations of NRC requirements occurred. The violations were evaluated in accordance with the NRC Enforcement Policy included on the NRC's Web site at www.nrc.gov. The violations involved: 1) the unauthorized transfer of licensed material; 2) holding of radioactive waste for a period greater than four years; 3) the unauthorized possession of licensed material; 4) the failure to maintain Environmental Health and Safety office records on hard disk; 5) the failure to receive licensed material at the Telecommunity Building, Police Office; and 6) failure to maintain records. The violations are being cited in the enclosed Notice of Violation (Notice) because they were NRC-identified and not corrected by the licensee prior to the inspection.

The NRC is concerned with the number of violations identified and the lack of the University's oversight of the Radiation Safety Program. Specifically, the NRC is concerned that the former Radiation Safety Officer ran the Radiation Safety Program with minimal or no licensee management oversight, which resulted in six violations. In addition to responding to the violations as cited in the Notice, the NRC is requesting that the licensee provide specific actions that have been or will be taken to ensure that the University's management maintains proper oversight of the Radiation Safety Program so that the health and safety of workers and the public is protected.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. For your consideration and convenience, an excerpt from NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," is enclosed. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

The NRC has also identified an additional Open Item that requires further NRC review. This item was discussed with you at the conclusion of the on-site inspection and concerns the licensee's failure to maintain records as required by NRC regulations. You will be advised by separate correspondence of the results of our deliberations on that matter. No response regarding the Open Item is required at this time.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Sincerely,

/RA/

John R. Madera, Chief
Nuclear Materials Inspection Branch

Docket No. 030-32694
License No. 24-00513-38

Enclosures:

1. Notice of Violation
2. Excerpt from NRC Information Notice 96-28

cc w/encls: Nasser Arshadi, Ph.D., Vice Provost for Research
Craig T. Robinson, Coordinator, Environmental Health and Safety
Steven Struck, Radiation Safety Officer
State of Missouri

T. George

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John R. Madera, Chief
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Steven Struck, Radiation Safety Officer
State of Missouri

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Letter to Thomas F. George from John R. Madera dated October 3, 2007

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 030-32694/2007-001(DNMS),
INVESTIGATION REPORT 3-2007-013 AND NOTICE OF VIOLATION

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NOTICE OF VIOLATION

The Curators of the University of Missouri
St. Louis, Missouri

Docket No. 030-32694
License No. 24-00513-38
EA-07-028

During an NRC inspection conducted on February 14 and 16, 2007, with continuing NRC review through February 21, 2007, and subsequent investigation from March 12 through August 28, 2007, six violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Title 10 CFR 30.41(a) and (b)(5) require, in part, that no licensee transfer byproduct material except to a person authorized to receive such byproduct material under the terms of a specific or general license issued by the Commission or Agreement State.

Contrary to the above, on or about June 22, 2004, October 26, 2004, March 3, 2005, and March 18, 2005, the licensee transferred radioactive waste containing phosphorus-32 to R. M. Wester and Associates, Inc., which was not authorized to receive that byproduct material under the terms of a specific or general license issued by the Commission or Agreement State.

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

- B. Condition 17.c of License Number 24-00513-38 requires, in part, that the licensee is authorized to hold radioactive waste for decay-in-storage and that radioactive waste being held for decay shall not be stored for a period greater than four years.

Contrary to the above, as of February 14, 2007, the licensee possessed 18 containers containing radioactive waste which were placed in decay-in-storage prior to February 2003, a period greater than four years.

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

- C. Condition 6 of License Number 24-00513-38 specifies the byproduct, source, and/or special nuclear material authorized under the license, but does not authorize possession of cesium-137/barium-137m.

Contrary to the above, as of February 14, 2007, the licensee possessed a 0.9 microcurie cesium-137/barium-137m generator which is not authorized under the license.

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

- D. Condition 28 of License Number 24-00513-38 requires, in part, that the licensee conduct its program in accordance with statements, representations, and procedures contained in an application dated August 1, 2002.

Section 6.2, titled "Records Management System," of the application dated August 1, 2002 states, in part, that Environmental Health Safety (EHS) office records are kept on both hard disk and on paper copy.

Contrary to the above, as of February 14, 2007, the licensee did not possess EHS office records on hard disk.

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

- E. Condition 28 of License Number 24-00513-38 requires, in part, that the licensee conduct its program in accordance with statements, representations, and procedures contained in an application dated August 1, 2002.

Section 7.3.1, titled "Procurement and Distribution of Radioactive Material – Approval to Order," of the application dated August 1, 2002 states, in part, that upon placement of the order (of radioactive material), the supplier is directed to specify delivery to the Telecommunity Building, Police Office.

Contrary to the above, on as least 44 occasions as of February 14, 2007, the licensee specified to the supplier to deliver radioactive material to 215 Indacom Drive, St. Peters, Missouri 63376, which is not the Telecommunity Building, Police Office.

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

- F. 10 CFR 30.51(a) requires that each licensee keep records showing the receipt, transfer, and disposal of byproduct material.

Contrary to the above, from approximately November 2006 to present, the licensee did not keep all records showing the receipt, transfer and disposal of byproduct material.

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

Pursuant to the provisions of 10 CFR 2.201, the Curators of the University of Missouri is hereby required to submit a written statement or explanation 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 of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include: (1) the reason for the violations, or, if contested, the basis for disputing the violations or severity level, (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.

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, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

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

Dated this 3rd day of October 2007