

February 6, 2012

EA-11-281

Ms. Jacquelyn K. Jones, Vice Chancellor
Administrative Services
University of Missouri-Columbia
319 Jesse Hall
Columbia, MO 65211-1250

SUBJECT: REVISED NOTICE OF VIOLATION, NRC INSPECTION REPORT
NO. 030-02278/11-02(DNMS) UNIVERSITY OF MISSOURI-COLUMBIA

Dear Ms. Jones:

The purpose of this letter is to respond to your letter dated November 2, 2011, in which you contested Example A of the violation cited in the Notice of Violation (Notice), enclosed with the U.S. Nuclear Regulatory Commission (NRC) Inspection Report No. 030-02278/11-02(DNMS) issued on September 16, 2011. The Notice contained two examples, Examples A and B, of a Severity Level IV violation involving Title 10 of the Code of Federal Regulations (CFR) 20.1501.

In your response to the Notice you contested Example A, involving the failure to make surveys to determine the quantity of licensed material which could affect the determination of security of those areas. Specifically, elevated radiation levels were identified by the NRC in McLorn Gallery (room 205), wall of the storage room on the second floor (room 213), Research Laboratory 17, the Lecture Hall (room 106), outside the Staff Office 9 in the corridor, above the 9 foot level of Offices 111 and 112 and the Julius Carlebach Gallery (room 206). You provided additional information regarding Example A of the 10 CFR 20.1501 violation. On December 23, 2011, the NRC acknowledged your November 2, 2011, letter that was received on November 29, 2011, and advised you that we would evaluate the information in your letter and inform you of the results of our evaluation.

In accordance with NRC policy and procedures, Region III has completed an independent assessment and review of the contested matter. Based on the independent review, the NRC has reached a conclusion, as described below.

In your November 2, 2011 letter, you provided information for those areas that had been identified as having elevated radiation levels and indicated that surveys had been performed. Your letter also stated that the identified areas had previously been secured from unauthorized removal or access to licensed material. The independent reviewer considered all information available to the NRC pertaining to this matter, including the Conversation Record describing your 2009 survey results and the additional information you provided with your response. Based on this review, the NRC has concluded that you had performed sufficient surveys to determine the quantity of licensed material that could affect the determination of security of those areas in accordance with 10 CFR 20.1801.

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Therefore, Example A of the violation of 10 CFR 20.1501 is withdrawn. Enclosed is the revised violation citing only Example B, which concerns the failure to make surveys to determine the quantity of licensed material which could affect whether posting those areas are required in accordance with 10 CFR 20.1902(e). The violation from the Notice enclosed with NRC Inspection Report No.030-02278/11-02(DNMS), dated September 16, 2011, is superseded by the revised violation in the enclosure to this letter.

Based on your response and actions that you have taken, we do not require any further information concerning the violation.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions regarding this matter please contact Patrick Loudon of my staff at (630) 829-9801.

Sincerely,

/RA/

Jennifer L. Uhle
Acting Deputy Regional Administrator

Docket No. 030-02278
License No. 24-00513-32

Enclosure:
Revised Notice of Violation

cc w/encl: Maureen Kotlas, Director,
Environmental Health and Safety
Jack Crawford, Radiation Safety Officer
Silvia Jurisson, MU Radiation Safety
Committee Chair
State of Missouri

J. Jones

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Therefore, Example A of the violation of 10 CFR 20.1501 is withdrawn. Enclosed is the revised violation citing only Example B, which concerns the failure to make surveys to determine the quantity of licensed material which could affect whether posting those areas are required in accordance with 10 CFR 20.1902(e). The violation from the Notice enclosed with NRC Inspection Report No.030-02278/11-02(DNMS), dated September 16, 2011, is superseded by the revised violation in the enclosure to this letter.

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Jennifer L. Uhle
Acting Deputy Regional Administrator

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Enclosure:
Revised Notice of Violation

cc w/encl: Maureen Kotlas, Director,
Environmental Health and Safety
Jack Crawford, Radiation Safety Officer
Silvia Jurisson, MU Radiation Safety
Committee Chair
State of Missouri

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Revised Notice of Violation, Inspection Report 030-02278/11-02(DNMS), dated September 16, 2011

Replace the violation from that Notice of Violation (Notice) with the violation below:

REVISED NOTICE OF VIOLATION

Title 10 Code of Federal Regulations (CFR) 20.1501 requires that each licensee make or cause to be made surveys that may be necessary for the licensee to comply with the regulations in Part 20 and that are reasonable under the circumstances to evaluate the extent of radiation levels, concentrations or quantities of radioactive materials, and the potential radiological hazards that could be present.

Contrary to the above, as of August 25, 2011, the licensee did not make surveys to assure compliance with 10 CFR 20.1902(e), which requires posting of areas or rooms in which licensed material is used or stored. Specifically, elevated radiation levels were identified in McLorn Gallery (room 205), wall of the storage room on the second floor (room 213), Research Laboratory 17, the Lecture Hall (room 106), outside the Staff Office 9 in the corridor, above the 9 foot level of Offices 111 and 112, and the Julius Carlebach Gallery (room 206), and the licensee did not make surveys to determine the quantity of licensed material which could affect whether posting in those areas is required.

This is a Severity Level IV violation (Section 6.3).

Enclosure